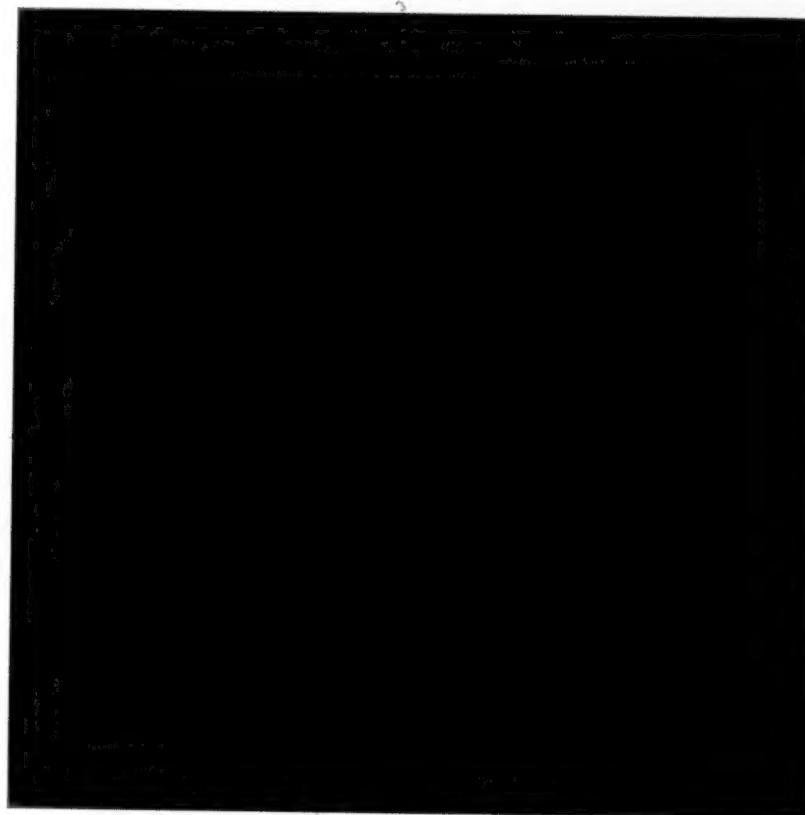
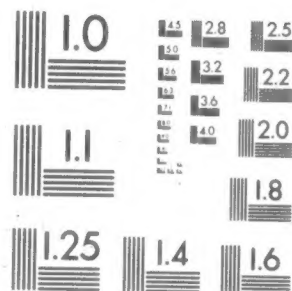
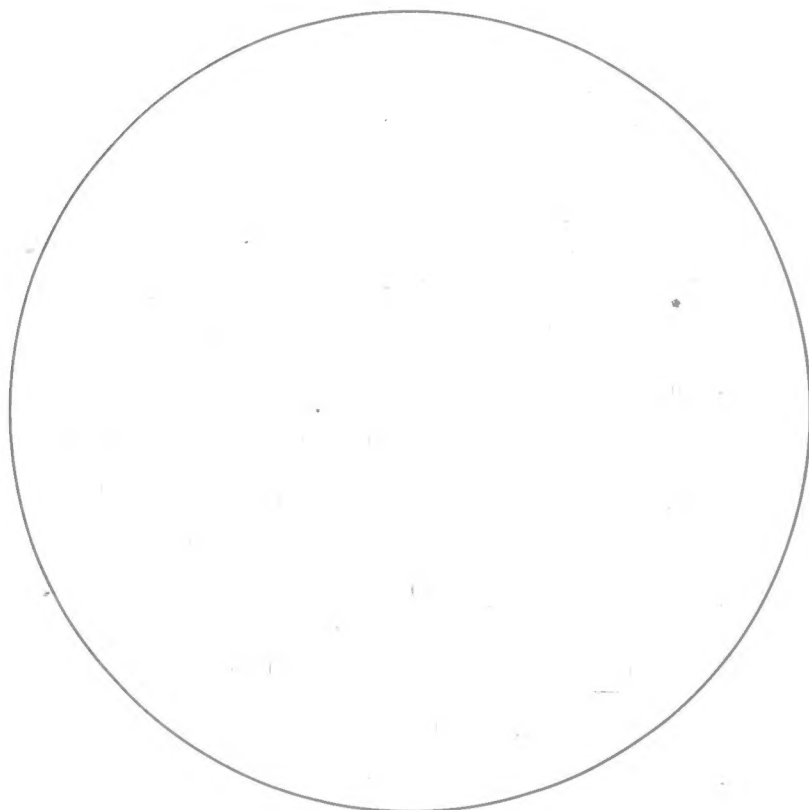
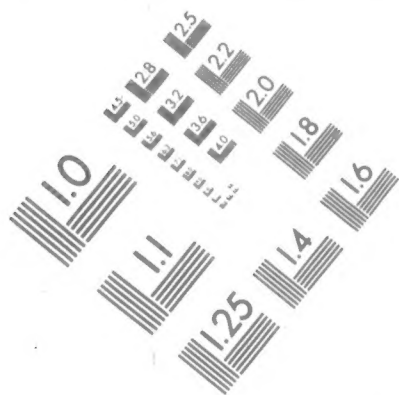




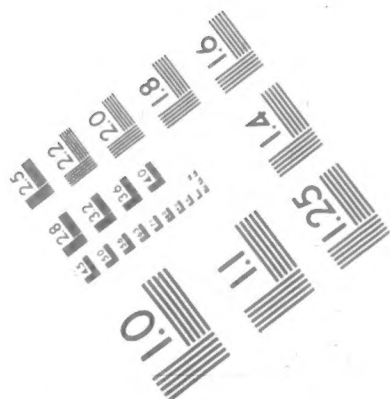
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 308

CHEROKEE D77 - D191

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

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277

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FREE CIVILIZED TRIBES
FILED
AUG 7 1900

ACTING CHAIRMAN

to be done in the year 1900.

Comptroller

of the Department of the Interior
to the Commission to the Free Civilized Tribes
to the Commission to the Free Civilized Tribes
to the Commission to the Free Civilized Tribes

will be the purpose of the Commission to the Free Civilized Tribes
to be done in the year 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bureau, I. T., August 3, 1900.

In the matter of the application of Isaac Neal et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testifies as follows:

- Q What is your full name? A Isaac Neal.
Q How old are you? A Twenty-five years old.
Q What is your post-office address? A Tablequah.
Q What is your district? A Tablequah District.
Q How long have you lived in Tablequah District? A Off and on ever since 1894.
Q How long have you lived in the Cherokee Nation? A Ever since 1893.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls are you on? A I enrolled there at Tablequah.
Q When? A Last Dawes Commission.
Q Did you apply as a Cherokee by blood? A No sir, I am adopted.
Q How and when were you adopted? A In 1894 by the action of the Cherokee authorities.
Q Have you got your certificate of adoption? A No sir.
Q Do you apply for anybody except yourself? A My wife.
Q That all? A That's all.
Q No children? A No sir, I had three, but they are dead.
Q Is your wife a Cherokee by blood? A Yes sir, she is Cherokee by blood.
Q Where did you live before you came to the Nation? A I came from Washington County, Arkansas.
Q Do you claim to have been admitted by the action of the Cherokee council or committee on citizenship? A Yes sir.
Q Are you sure whether you were accepted by the action of the Cherokee authorities, or whether you are simply an intermarried Cherokee? A No sir, I was accepted, I went and put my marriage certificate in before them.
Q Did you have anything to do with any certificate except your marriage certificate? A No sir.
Q Is that the only time you have had anything to do with papers about citizenship in the Cherokee Nation? A No sir, I have been enrolled with the rest of them.
Q You never had any certificate saying that you were a Cherokee citizen? A Yes sir.
Q What did you do with it? A It's at home.
Q Was that connected with your marriage certificate? A Yes sir.
Q When you say you have got a certificate at home you mean you have got a marriage certificate? A Yes sir, I mean that.
Q I am asking you if you have got a certificate admitting you as a Cherokee citizen, under the Great Seal of the Nation, and signed by the Chief of the Nation and the members of the committee on citizenship? A Yes sir, I have got that.
Q Separate and apart from your marriage certificate? A Yes sir.
Q And you think that you were admitted by action of the Cherokee parties in 1894? A Yes sir.
Q Are you on the roll of 1894 and the roll of 1896? A Yes sir.
Note: 1894 roll examined and name not found.
1896 roll, page 825 #139 Isaac Neal Goingmake District.
Q What's your wife's name? A Annie Neal.
Q How old is she? A Eighteen now.
Q When were you married? A Married in 1894.
Q What was her name when you married her? A Cloud.
Q What district did she live in before her marriage to you? A She lived in Goingmake District when we married.
Note: 1894 roll, page 737 #2600 Annie Cloud, Goingmake Dist.

Isaac Neal et al #2

Q What was her father's name? A Henry Cloud.
 Q Was he living in 1894? A No sir.
 Q Was her mother living in 1894? A No sir.
 Q Did she have any brothers or sisters living in 1894?
 A Not as I know of.
 Note: 1896 roll, page 772 #1501 Annie Neal, Goingsmake Dist
 Q What was her mother's name? A I don't know.
 Q Have you a certificate of marriage? A Yes sir, I haven't
 got it with me.

Simon R. Walkingstick, being sworn and examined by Commissioner Breckinridge, testifies as follows:

Q What is your full name? A Simon R. Walkingstick.
 Q You are employed by this Commission? A Yes sir.
 Q Do you know Annie Cloud, the woman this man claims as his wife?
 A Yes sir.
 Q Did you know her mother? A No sir.
 Q Did you know her father? A No.
 Q Did you know this woman when she was a cloud, as an orphan?
 A Yes sir, I knew her as an orphan.
 Q What proportion of Cherokee blood, if any, would you say that she has? A Why a half-breed I think.
 Q You think there is no question about her being of Cherokee origin? A No sir, no question about that.
 Q Have you known her since her marriage to this applicant, Isaac Neal? A Yes sir.
 Q Do you know that they live together as husband and wife?
 A Yes sir, I have so understood.
 Q How long have you understood them to be married? A Several years. I couldn't say just what length of time. (Applicant re-called)
 Q You say you have lived in the Cherokee Nation since 1893?
 A Yes sir.
 Q Before that time you lived in Washington County Arkansas?
 A I was raised in Washington County, Arkansas.
 Q What proportion of Cherokee blood do you claim? A I don't know.
 Q Was it your mother or your father that had Cherokee blood?
 A Father.
 Q Your mother was a white woman? A Yes sir.
 Q Have you made your home in the Cherokee Nation all the time since 1893? A Yes sir. I haven't been outside the Cherokee line except about a week when I went down to Mena, Arkansas, to work down there.
 Q Have you lived with your wife ever since your marriage to her in 1894? A Yes sir.
 Q And you and she are living together at this time? A Yes sir.
 Q Has she made her home in the Cherokee Nation ever since you knew her? A Yes sir.

Com'r Breckinridge: Your wife is duly identified on the roll of 1894 and also on the roll of 1896, and she is identified by satisfactory personal testimony as a woman of Cherokee origin, and doubtless a full-blood, of the Cherokee Nation. She is identified under her maiden name and under her married name, and your wife, Annie Neal, will now be enrolled as a Cherokee by blood.

Now as for your own enrollment, you do not produce satisfactory testimony at this time. You are identified on the roll of 1896 and we have jurisdiction over your case. You say that you were admitted to citizenship by the Cherokee authorities in 1894. If you were so admitted, it would be well for you to write to the proper authorities at Tahlequah and get a duly certified copy of the certificate of admission that you speak of, and send that to this Commission at its offices at Muskogee. If you were not so admitted,

Isaac Neal et al #3

it will be necessary for you to send to this commission at Mus-
kogos a duly certified copy ~~etc~~ or the original ~~license~~ if you
have it, of your marriage license and of your certificate of mar-
riage, and then your enrollment would depend upon the date and
character of that marriage license and certificate. Your appli-
cation at present will be put upon a doubtful card, and will be
held for ~~these~~ these two papers. When the decision is reached you
will be duly informed at your present post-office address.

U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.
AUG 11 1900
H. D. Green, Being first duly sworn, states that as stenographer
to the Commission in the Five Civilized Tribes he reported the
foregoing ~~and~~ and that the above and foregoing is a full true and
complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 6th day of August 1900.


Commissioner.

Supl.-C.D.#77.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of ISAAC HEAL as
a citizen of the Cherokee Nation:

Applicant was notified by registered letter January 21, 1902, that his case would be taken up for final consideration by the Commission on the 17th day of February, 1902, and that he would on said date be given an opportunity to introduce any additional testimony affecting his case, and he was also requested to supply the commission with a certificate of his readmission to citizenship in the Cherokee Nation. Also the original or certificate copy of his marriage license and certificate. The applicant has been called three times and fails to respond either in person or by attorney and the case is closed.

C. R. Reckinridge

J. O. R.

Commissioner.

877
IN THE MATTER OF THE APPLICATION OF

Isaac Neal

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 3, 1900

B. Mem^o of application. " 3, 1900

C. Notice of final Consideration

D Order closing testimony, Feb. 17, 1902

Copy of testimony filed

Decision

OCT 10 1907 Cancelled and transferred

to Cherokee B. 1124

See Cherokee Jacket 956

Cher D 78

Cher D 78

Department of the Interior,
Commission to the Five Civilized Tribes,
Bunch, I. T., August 3, 1900.

In the matter of the application of Isaac Chuculate et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testifies as follows:

Walkingstick, Interpreter;

- Q What is your full name? A Isaac Chuculate.
Q What is your age? A Twenty-three.
Q What is your post-office? A Bunch.
Q What is your district? A Flint District.
Q How long have you lived in Flint? A Lived in the District about ten years.
Q Where did you live before that? A I lived in Sequoyah District about ten years.
Q Have you lived in the Cherokee nation all your life? A Yes sir.
Q Are you a full-blood Cherokee? A I think so, I don't know exactly.

Interpreter: Applicant says sometime they call him "Isa."

Note: 1896 roll page 656 #471 as Isaac Chuculate, Flint District, aged nineteen.

- Q How did you get your money in 1894, did you get it when the other people got it, or did you get it by act of council? I got my money at Council.
Q You belonged then to those they overlooked, and the council just made it up to you? A I think so, that must be about the way, he says I never got my money at the time of the payment. They couldn't find my name at least on the rolls.
Q And the Cherokee authorities that saw that you got your money? A Yes sir, I think so. Because I got my money down there when Council convened that fall following the payment.
Q What was the name of your mother? A Oulstiyah.
Q Do you know her name in 1880? A No, I couldn't say.
Q What was the name of your father? A Wesley Chuculate.
Q What was his name in 1880; was he living then and carrying that name? A Yes sir.

Note: 1880 roll page 357 #330 Wesley Chuculate, Flint Dist.

- Q Do you remember your mother? A Very little.
Q Was she a full-blood Cherokee? A Yes sir, she was a full-blood.

- Q You apply for your wife also do you? A Yes sir.
Q What is her name? A Nellie Chuculate.
Q Do you apply for any children? A No sir.
Q What was she before you married? A Nellie Christie.
Q How old is she? A Twenty I think.
Q Is she on the roll of 1880 as a Christie? A Yes sir.

Note: 1880 roll examined for applicant's wife, and name not found thereon.

- Q When were you married? A In 1899.
1896 roll, page 449 #425 Nellie Christie, Jr., Illinois Dist.

- Q What is the name of your wife's mother? A Arnesley

Note: 1880 roll examined for wife's mother; page 356 #256 Nellie Christie, Flint District.

- Q Who here knows your wife as the daughter of Arnesley or Nellie Christie? A No one here now.
Q Is your wife a full-blood? A Yes sir.
Q You don't know who drew your wife's money in 1894? A No sir I don't, her mother I guess.
Q Have you a certificate of marriage? A No sir.
Q Has your wife lived in the Cherokee nation all of her life? A Yes sir.
Q You and she live together at this time? A Yes sir.

Isaac Chusulate et al #2

Gen'r Breckinridge: This applicant is identified on the roll of 1894 and 1896; he appears to be among those Cherokees who were overlooked in making the regular roll payment of 1894, and he is not found on that roll; but he seems to have received his money at that time by the action of the Cherokee authorities. He cannot be identified on the roll of 1890 and has probably borne a number of names since that time. He is clearly a full-blood Cherokee, and he will be enrolled now as a Cherokee by blood.

In your application for your wife, there is a lack of satisfactory testimony; she is identified on the roll of 1894, but upon no other roll. You say you were married in 1890, and there should be some form of testimony substantiating that marriage, and in the lack of any further tribal testimony of record character, your wife should be identified by satisfactory personal testimony with her mother, who is found duly enrolled in 1890. Therefore, at present your wife's name will be placed upon a doubtful card, and you are advised to come down to Sallisaw and produce additional testimony. You say that her father and some of her people are living down there; if you cannot produce any other testimony at least produce personal testimony as to your marriage, identifying her under her present name, and also personal testimony identifying her with her mother, who was enrolled in 1890.

K. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 6th day of August 1900.

[Signature]
Commissioner.

Supl.C.D.#78.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of NELLIE CHUCHU-
LATE as a citizen of the Cherokee Nation;

Applicant was notified by registered letter January 31, 1902, that this case would be taken up for final consideration by the Commission on the 17th day of February, 1902, and that she would on said date be given an opportunity to introduce any additional testimony affecting her case. She has acknowledged receipt of registered letter and has been called three times and fails to respond either in person or by attorney and the case is closed.

F. R. Ruxwiler.

J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1902

In the matter of the application of Nellie Chuculate for
enrollment as a Cherokee citizen.

Supplemental Statement.

---ooo---

Upon further examination of the authenticated tribal roll of
1880 Nellie Christie, the mother of Nellie Chuculate, is found to
be identified thereon as a native Cherokee.

Nellie Chuculate is found under the name of Nellie Christie, Jr.
upon the 1896 roll at the page as indicated in the testimony, and
her age is there given as fifteen years.

It is directed that copies of this statement be filed with the
testimony in the above case.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie Chuculate as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 3, 1900, Isaac Chuculate appeared before the Commission at Bunch, Indian Territory, and made personal application for the enrollment of himself and his wife Nellie Chuculate as citizens by blood of the Cherokee Nation. Isaac Chuculate was listed on a regular card and is not therefore embraced in this decision.

The evidence shows that Nellie Chuculate is the child of Nellie Christie, who is identified upon the authenticated tribal roll of 1880 as a Native Cherokee. She is identified on the Cherokee Census roll of 1896, and appears to have been born subsequent to the preparation of the 1880 roll.

She has resided in the Cherokee Nation all her life and was a resident of said Nation at the time of the application herein.

It is, therefore, the opinion of this Commission that Nellie Chuculate should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 9 - 1902

604

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-78.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 9, 1902.


V. V. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Nellie Chuculate for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,


Acting Chairman.

Encl. D-78.

CHEROKEE

D-78

Fellie Chuculate

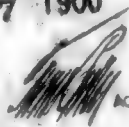
Transferred to Cherokee 9458.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 7 1900





ACTING CHAIRMAN







Shown to and subscribed before me this 27th day of August, 1900.

This and correct translation of the above-mentioned report.
known as the above named witness, and that the foregoing is a true
to the Commission to the Five Civilized Tribes as reported by the
James C. Jones, before this board, and that as reported by the

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 6, 1900.

In the matter of the application of Effie Denton for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckenridge, she testified as follows:

- Q What is your full name? A Effie Denton.
Q What is your age? A 18.
Q Why doesn't your mother or father apply for you, are you an orphan?
A Yes, sir.
Q What is your post office? A Sallisaw.
Q What is your district? Sequoyah? A Yes, sir.
Q How long have you lived in Sequoyah district? A As long as I can remember.
Q All your life? A Yes, sir.
Q Do you claim as a Cherokee by blood? A Yes, sir.
Q Are you married or single? A I am married.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Are you on the roll of 1894, when they drew the strip money?
A Yes, sir.
Q What was your name in 1894? A Effie Prather.
Q When were you married? A The 14th of last March.
Q Have you a certificate of marriage? A Yes, sir, this is it.
Q How old did you say you were? A I am 18, but it is 18 down there.

Q This madam, is a duly authenticated certificate and license of your marriage, showing that you were married as stated on the 15th day of March in this year. I believe you stated that you were married on the 14th of March, but this is not a very great deal of difference. This identifies you under your new name. I return this to you. Is your mother living? A No, sir.

- Q Is she on the roll of 1880? A No, sir, she is a white woman.
Q What is your mother's name? A Bettie Prather.
Q Were your father and mother married in 1880? A Why I don't know
Q Are these other children in the family besides yourself? A Yes, sir.

Q Some older than you? A Yes, sir.

Q What is the age of the oldest of the children? A 20, I believe.
(On 1894 roll, page 445, No. 2208, Effie Prather, Delaware dist.
On 1896 roll, page 514, No. 2352, Effie Prather, Delaware dist, 18 years old.)

Q Mrs. Denton, you present here a transcript from the Journal under date of 1870, showing the decision of what I understand to be the Supreme Court of the Cherokee Nation, on December 19, 1870, to the effect that one Caroline G. Prather is a Cherokee by blood and is entitled to the full rights and privileges of a Cherokee citizen. Was that Caroline G. Prather your grandmother? A Yes, sir.

Q Here is also a duly certified transcript from the record of citizenship in 1880, page 12, "A". This states a certain list therein stated contains the names, or at least is of the Prather family, and that it is copies from the official record made in the Executive Department on June 21, 1871, by the Supreme Court acting as a Court of Commission, and it further says in the transcript to which allusion is made that the said report is of record in this case. Now that document is signed W. F. Deudinott, Executive Secretary, November 26, 1886. In the list of names referred to occurs that of Caroline G. Prather. Is that your grandmother? A Yes, sir.

Q Do you claim that your grandfather's name is in that list or your father's? A Why, I don't know whether it is or not.

Q Here is Richard L. Prather, is that the name of your father?
A Yes, sir.

Q Now this record shows that these names were reported to this

Effie Denton - 8.

Department by the Court, but it does not clearly indicate what the decision of that Court was with respect to these names, whether it was favorable or unfavorable. It seems that the Cherokee law provided that the Court shall report to the Executive Department its decision upon all applicants for citizenship, whether favorable or unfavorable, and therefore the fact that these names have been reported to the Executive Department does not of itself carry any favorable conclusion, nor does it of itself carry an unfavorable conclusion. Now reference is made in this transcript to the report, as it is called, of the Court supplying these names to the Executive Office. Do I understand you as saying that the first transcript referred to, dated December 19, 1870, is all that is furnished relative to said report? A Yes, sir, that is all.

Q Now that report which you speak of contains only the name, as herein evidenced, of Caroline C. Prather; can you explain that discrepancy? A I don't know, sir, that is all that can be found.

Q Now Mrs. Denton, you hand me here another paper, a duly authenticated transcript from the records of the office of the Committee on Citizenship, Tahlequah, Cherokee Nation, June 27, 1887, page 243, showing proceedings dated June 27, 1887 and August 11, 1887, in regard to the Prather claim to citizenship. The case appears to have been continued until August 18, 1887, and appears to be a final hearing of the old and original case of December 19, 1870, to which reference is made in the first paper of these proceedings submitted. Now in this present decision of the Commission it is determined out of all that has preceded that R. A. Prather and Caroline Prather are duly entitled to citizenship. Now I observe in the evidence of December 19, 1870, that one Caroline C. Prather is spoken of as having been admitted at that time, and that of all the names given in the list heretofore referred to from the record of citizenship, only the name of Caroline C. Prather is included at this time. This appears to be conclusive as regards Caroline C. Prather, and perhaps also as regards R. A. Prather, though it does not appear where or when his name entered into the proceedings. Now that R. A. Prather was the husband, was he, of Caroline C. Prather? A Yes, sir.

Q And therefore he was your grandfather? A Yes, sir.

Q Was your father living in August, 1887? A Why, I don't know, it has been about 8 years since he died.

(The Cherokee Nation introduced in evidence the Act of its Council approved December 3, 1869, and found on page 125 of the First Annual Report of the Dawes Commission; and also an amendatory act to the same, approved November 17, 1870, which will be hereafter furnished.)

Q I understand you to say, Mrs. Denton, that neither your father nor your mother are upon the roll of 1880? A I don't know whether they are or not.

(Roll of 1880 examined, and their names not found thereon.)

Q How old was your father when he died? A I don't know how old he was.

Q Your father was living before 1870, was he? A Yes, sir, I think so.

Q You have a brother, I think you said, 20 years old? A No, sir, I have a sister 20 years old.

Q So he was living in 1870 and had acquired considerable age at the time the action was first had on your grandmother's application?

A Yes, sir.

Mrs. Denton, your application will be placed upon a doubtful card for further consideration by the Commission, and when a decision is finally arrived at, you will be informed at your present post office address of the result, and the decision, whether favorable or unfavorable, will finally be referred to the Honorable Secretary of the Interior for his approval.

Errie Denton - 2.

Errie O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Errie O. Jones

Sworn to and subscribed before me this the 5th day of August, 1900.

Clifton A. Baker

RECORDED
AUG 7 1900
J. I. E. P.
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

"R"

Cherokee D 79

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 17, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Effie Denton et al., for enrollment as Cherokee citizens.

Appearances:

Jess W. Watts, Ballisaw, I.T., Attorney for applicants;
V.W. Hastings, attorney for Cherokee Nation.

BY MR. WATTS: Let the record show that the Cherokee Act
approved December 3, 1869, and the amendatory act approved
November 17, 1870, are to be filed, considered filed, and sup-
plied hereafter.

BY COMMISSION: The attorney for the applicants will be given
ten days in which to supply the acts referred to. Attorney
for the applicants will also be given ten days in which to
file brief, a copy with the Commission and a copy with the
Representatives of the Cherokee Nation.

BY COMMISSION, of Mr. Watts:

Q Do you submit this case now to the Commission for final
consideration? A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

"R"

Cherokee D 79.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Effie Denton for the enrollment of herself and child as Cherokee
citizens.

APPEARANCES:

F.V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: W.W. Hastings, Representative of the Cherokee
Nation, presents the following letter to the Commission,
bearing date of February 19, 1902:

"Mr. W.W. Hastings,

Muskogee, Indian Territory.

Dear Sir:- After further considering the cases of Effie
Denton and Artie Welch vs. Cherokee Nation, I shall not
file briefs, but shall submit them as they now stand.

Very truly yours,

Jess W. Watts."

BY MR. HASTINGS: The Cherokee Nation desires to call attention
of the Commission to the fact that Effie Denton claims that
her father was Richard L. Prather, and the records show that
Caroline Prather was admitted to citizenship in the Cherokee
Nation in the year 1870, but that Richard L. Prather was not
admitted at that time, and the certificate filed, signed by
W.T. Boudinot, is an erroneous one, and does not properly
represent the judgment of the court, because the judgment of
the Court only states that Caroline Prather was admitted to
citizenship in the Cherokee Nation.

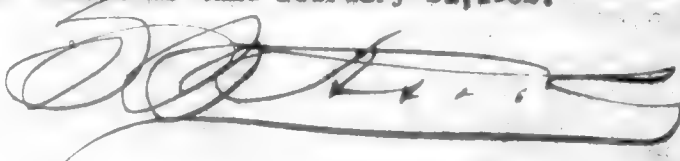
The Cherokee Nation desires to further call the attention
of the Commission to the fact that it is shown nowhere in the
testimony that Richard L. Prather, the father of the applicant,
was a minor at the time Caroline Prather was admitted in '70.

BY COMMISSION: The letter above quoted is filed in the appli-
cation of Artie Welch, D 133.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner,

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 26th 1902.

In the matter of the application of Effie Denton for enrollment as
a citizen by blood of the Cherokee nation. U. D. 79.

The testimony in this case shows that Effie Denton was sixteen years
of age when she made her application for enrollment in this case, August
6th 1900; that she is a daughter of Richard L. Prather and a grand daugh-
ter of Caroline Prather; and the testimony shows that Caroline Prather
was admitted to citizenship in the Cherokee nation December 19, 1870, but
the Cherokee nation contends that it does not show that Richard L. Prather
the father of the applicant was ever admitted to citizenship in the Chero-
kee nation but it is contended by the Cherokee Nation that the certi-
fied copy of the report of W. P. Boudinot filed in this case purporting to
be a report of persons previously admitted to citizenship in the Cherokee
Nation and made sixteen years after they were said to have been admitted
was clearly erroneous and untrue because the record herein above referred
to shows that one Caroline Prather was admitted to citizenship and none
other and the decision of the Adair Court on June 27th 1887 was only as to
E. A. Prather and Caroline Prather, husband and wife and did not include
the said Richard L. Prather the father of the applicant hence there is no
record whatever in this case that the said Richard L. Prather was ever
admitted to citizenship in the Cherokee nation or that he was a recog-
nized citizen of the Cherokee Nation and there is no evidence tending to
show that the said Richard L. Prather was a minor at the time his alleged
mother Caroline Prather was admitted to citizenship in the Cherokee Na-
tion.

Again the testimony discloses that the applicants mothers name was
Bettie and that she was a white woman and there is no testimony whatever
tending to show that the father and mother were married or where they
were married or where the applicant was born or is there sufficient testi-

may as to her residence.

In view of these facts we submit that they are insufficient to entitle the applicant to be listed for enrollment as a citizen of the Cherokee Nation by blood.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee nation

J. C. S.

Division D 79

IN THE MATTER OF THE APPLICATION OF

Ellie Denton

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 6, 1900
- B. Memo of application - " 6, 1900
- C. Certified copy of order of admission of mother of applicant
- D. Birth affidavit Maryie Denton
- Notice of final consideration
- Receipt for testimony
- Supplemental testimony - 2/17/02
- Supplemental testimony - 2/20/02

Cher D 80

Cher D 80

R P

COMMISSIONER OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

AUG 17 1906

[Signature]

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I. T., AUGUST 6, 1900.

In the matter of the application of Augustus Brackett for enrollment as a citizen of the Cherokee Nation, said Brackett being duly sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Augustus Brackett.
Q Your age? A 21.
Q Your postoffice? A Stilwell.
Q Have you been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.
Q Have you been enrolled by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.
Q What district do you live in? A Flint.
Q How long have you lived there? A About 2 years.
Q Where did you live before that? A Tahlequah.
Q How long did you live there? A About 4 years.
Q Where did you live before that? A I stayed at the orphan Asylum for about 4 years.
Q How long have you lived continuously in the Cherokee Nation? A For about 10 years.
Q Where were you born? A In Georgia.
Q Came from Georgia to the Cherokee Nation about 10 years ago? A Yes.
Q What is your father's name? Bayless Brackett.
Q Is he living? A No sir.
Q Where did he die? A In Georgia.
Q What is the name of your mother? A Nancy.
Q Is she living? A No sir.
Q Where did she die? A In Georgia.
Q Are you married? A No sir.
Q What proof have you that you are a citizen of the Cherokee Nation? A I have a certificate.
Q Was your mother and father citizens of the Cherokee Nation? A My father was.
Q You present a certificate of admission as a Cherokee citizen issued by the Committee on Citizenship on the 16th day of August, 1899, admitting you to Cherokee citizenship, the said certificate is signed by Wm. P. Ross, Chairman of the Committee on Citizenship, attested by D. S. Williams, Assistant Clerk of the Committee on Citizenship, approved and endorsed by J. B. Mayes, Principal Chief, under great seal of the Cherokee Nation, in which certificate appears the name of Augustus Brackett, aged 9 years, are you the identical Augustus Brackett named in this certificate? A Yes.
Q This certificate provides that it shall be the duty of the persons mentioned in this certificate to enroll their names and the names of their families from the date of their arrival in the Cherokee Nation, and that shall be within one year. Did you arrive in the Cherokee Nation within one year? A Yes.
Q On the back of this certificate is the following endorsement: "Enrolled in the Executive department, May 14, 1900." Applicant on '96 roll, page 1041, number 10 as Cass Brackett.
On '94 roll, page 1, number 7, as Cass Brackett, Orphan roll, Tahlequah.
The name of Cass Brackett appearing upon the census roll of '90 and the pay-roll of '94, he also presenting certificate of admission to citizenship as described in the testimony, and makes satisfactory proof of his residence.

Now comes the representatives of the Cherokee Nation and for the present object to the enrollment of said Augustus Brackett, and ask that final judgment in his case be suspended until they can full investigate his rights to be enrolled as a Cherokee citizen. His name will therefore be placed upon what is known as a doubtful card.

Brown McDonald, being duly sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 17th day of August, 1900,
at Muldrow, I.T.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Augustus Brackett for enrollment as a Cherokee citizen.

On the sixth day of August, 1900, Augustus Brackett appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation. The Cherokee Nation protested against his enrollment and at the conclusion of the evidence his name was placed upon a "Doubtful" card for further consideration.

No further evidence has been submitted by the Cherokee Nation and the case was ordered closed on the 17th day of February, 1902. The following decision is now rendered.

D E C I S I O N .

The evidence in this case shows that Augustus Brackett is a Cherokee by blood; that he was admitted to citizenship in the Cherokee Nation on the 16th day of August, 1899, by a decree of the Cherokee Commission on Citizenship. It appears that he removed to the Cherokee Nation and registered his name in the Executive Office of the Nation as required by the conditions of his admission on the fourteenth day of May, 1900. He has resided in the Cherokee Nation for ten years and he is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896.

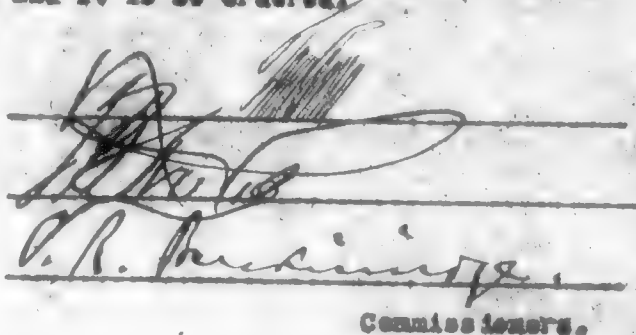
In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 26, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts

-2-

of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Augustus Brackett is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.


P. R. McKinstry,
Commissioner.

Dated at Muskogee, Indian Territory,
APR 23 1902

Supl.-C.D.#80.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of Augustus
Brackett as a citizen of the Cherokee Nation:

Applicant was notified by registered letter January 31, 1902, that on the 17th inst. this case would be taken up for final consideration by the Commission, and that he would be given an opportunity on said date to introduce any additional testimony affecting his case. He was also requested to supply the Commission with a certificate of his admission to citizenship in the Cherokee Nation. Applicant has acknowledged receipt of registered letter. He has been called three times and fails to respond, and the case is closed.

C. R. Beckwith

J.O.R.

Commissioner.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-80

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Augustus Brackett, No. D-80, for enrollment, as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Augustus Brackett as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,


Acting Chairman.

Encl. D-80.

80
IN THE MATTER OF THE APPLICATION OF

Augustus Brackett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony, August 6, 1900

B. mem^e of application. " 6, 1900

Notice of final consideration

certified copy of cert of

admission.

C. Order closing testimony, Feb. 17, 1902

Sept. 10, 1902. To be read and
signed by the Enroller

Enroller

Cher D 81

Cher D 81

Department of the Interior.
Commission to the Five Civilized Tribes.
Sallisaw, I. T. August 6th, 1900.

In the matter of the application of William H. Smith et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testifies as follows:

- Q What is your full name? A William H. Smith.
Q What is your age? A 43.
Q Your post-office? A Campbell.
Q Your district? A Illinois.
Q How long have you lived in Illinois district? A I lived in there 16 years.
Q Where did you live before that? A State of Arkansas.
Q For whom do you apply now for enrollment? A Myself and wife.
Q That all? A Yes sir.
Q Do you apply as a Cherokee by blood? ANO Sir.
Q Intermarried? A Apply for my wife.
Q Have you children? A Yes sir.
Q Do you apply for your wife and children? A Yes sir; wife and children.
Q What is your wife's name? A Martha Smith.
Q What was her name when you married her? A Tyner.
Q What is her age? A 43.
Q How was she admitted to citizenship, by action of the United States Court? A By United States Court, yes sir.
Q Where is your decree? A That man just got through with it; my name is the first name on it.

Mr. Smith, you hand here a certificate signed by Jas. A. Winston, Clerk, and by H. S. Young, Deputy Clerk, of the Northern Dist. of the United States Court, Indian Territory, and under the seal of the Court, dated July 11, 1899, to the effect that on the 15th of December, 1897, certain persons were admitted to citizenship in the Cherokee Nation by Hon. Wm. H. Springer, Judge of the Court, on appeal from the Commission to the Five Civilized Tribes; among those names appears the name of William Smith.

- Q Whose name is that? A My own name.
Q Now I understand you to say that ought to be the name of your wife, Martha? A Yes sir.
Q Now, I understand that you William Smith, did not even apply for citizenship? A No not myself.
Q But that your wife did apply? A Yes sir.
Q And that the Court did decide in her favor? A Yes sir.
Q And I understand you to further say that this insertion of your name is due to an error either in the Court or by the copy or somewhere? A Yes sir.
Q Now Mr. Smith, you apply for your wife, Martha Smith, nee Martha Tyner, under the state of facts as brought in the testimony? A Yes sir.
Q Now give me the names of your children? A George J. Smith.
Q How old is that child? A 23.
Well, in the first place he will have to apply for himself. Let him apply for himself.

- Q Give me the names of your minor children that are unmarried?
A Annie L. Smith.
Q What's her age? A 17.
Q What is the next child? A Elizabeth.
Q How old is that child? A 13.
Q Next child? A Minnie.
Q How old is that child? A 11.
Q Next? A Rufus.
Q How old is he? A 9.
Q Next? A John.
Q How old is that child? A 6.
Q Next? A That's all.

Q How are any of these children mentioned in the decree of the United States Court admitting you, and what you say was intended to

admit your wife to citizenship? A They were intended to be, of course, but I see they are not in that.

Q These children are all living and living with you at this time?

A Yes sir.

Now Mr. Smith, this is quite an extraordinary case. You apply for your wife and present a certificate of her admission by the United States Court as shown in the testimony, which certificate seems to contain your name and does not contain hers, and you testify that you were not a party before that Court but that your wife was. You have given your evidence frankly. You further claim that your children whose names are enumerated in the testimony were also with your wife before that Court, and you think that they were included in the Action of the Court. Now the insertion of the name, William Smith, however, is not your full name, for your full name is given as William H. Smith, but the insertion William Smith in lieu of your wife, Martha, may be a clerical error in the certificate you present; therefore, the Commission at present will put your application for your wife upon a doubtful case for further inquiry and consideration. There is no record in any form exhibited at this time that any of the five children, whose names you have enumerated, have ever been enrolled or admitted to citizenship in any way by the Cherokee authorities; therefore this Commission has no power to consider their application upon such a showing. A memorandum will be made, however, of their application and the whole matter will be further considered by this Commission when it is in a position to more fully and satisfactorily consult the original records, and you will be advised of the ultimate result at your present post-office address.

Edward G. Rothenberger, being duly sworn ~~and~~ by Commissioner Brookinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, William H. Smith, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 7th day of August, 1900.

Commissioner.

Supl.-C.D.#81.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of Martha Smith,
et al., as Cherokee citizens:

Commission: Applicant was notified by registered letter January 31, 1902, that her application for the enrollment of herself and five minor children, Annie L., Elizabeth, Minnie, Rufus and John Smith, whose names appear on Cherokee roll card No. D. 1189, would be taken up for final consideration by the Commission February 17, 1902. Receipt has been acknowledged of registered letter and applicant fails to respond.

Mr. Hastings, Cherokee Representative: The Cherokee Nation asks that all of the proceedings had before the Commission in 1896 and before the United States Court on appeal in this case be filed and made a part of the record in this case and in D.#1189.

Commission: The request of the Cherokee Nation will be complied with and the case closed.

C. R. McKinstry

Commissioner.

1802

Subscribed and sworn to before me this 23rd day of March, 1906.

[Signature]

FILED
MAR 23 1906
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

ACTING CHAIRMAN

Commissioner.

Life with this Commission.
Being in a true and complete code of all the habits and records on
citizenship in the Cherokee Nation, and that the above and below
Smith in 1898, to the Commission to the Five Civilized Tribes, for
copies the records in the matter of the subscription of the Five
tribes to the Commission to the Five Civilized Tribes as follows:
1. O. Roscoe, being first day, sworn before me as agent.

File with 615.81

(COPY)

To the Honorable the Dawes Commission on Citizenship in the Indian T. V. of the Five Civilized Tribes. Your petitioner, Martha J. Smith, nee Seitz, the undersigned, respectfully states that she is Cherokee Indian by blood and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory; that she derived her said Indian blood from her mother, Jennie Seitz, nee Smith, who was a Cherokee Indian by blood. Jennie Seitz was the daughter of Lebeoky Smith nee Bowen. Your petitioner states that the above facts as the lawful grounds of her application for citizenship in the Cherokee Nation, and prays that her claims may be fully investigated by your Honorable Commission and that she be judged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians. My age is 47 yrs. My P. O. address is Osage, Ark. My family consists of the following named persons. My husband Wm. Smith, age 53 years

J. D. Smith,	a child,	age 26.
P. D. Smith,	"	" 24
R. I. Smith,	"	" 23
J. R. Smith,	"	" 21
W. P. Smith,	"	" 19
M. E. Smith,	"	" 16
M. B. Smith,	"	" 14
F. T. Smith,	"	" 12
M. S. Smith,	"	" 8
M. B. Smith,	"	" 6

My grandchildren names are as follows:

W. R. Smith,	age 5 yrs.
Ruth Smith,	" 1 "
Ray Smith,	" 7 "
A. B. Paul,	" 2 months old.

Witness my hand this 1st day of Sep. 1895.

her
(Signed) Martha J. X. Smith.
mark

State of Ark.)
Co. of Carroll) SS.

Personally appeared before me the undersigned authority Martha J. Smith to me known to be the petitioner in the above petition that she has read (or heard read) the said petition and that the facts stated therein are true as she verily believes.

her
(Signed) Martha J. X. Smith.
mark

..... and sworn to before me Osage, Ark.

(SEAL)

(Signed) T. B. Bell, N. P.

—000000000—

United States of America,
Indian Territory,
Northern District.

SS. Affidavit of service and return.

I, C. A. Thomas, do solemnly swear that I did, on this, the 8th day of September, A. D., 1896, serve on the Principal Chief of the Cherokee Nation, true, correct and literal copies of the ~~same~~ above and foregoing applications, record and evidence and depositions and record evidence and exhibits as follows, to wit:

One true copy of Citizenship application of Martha J. Smith et al, Osage Arkansas and Certified to by T. B. Dell, Notary Public for Carroll County, Ark, constituting pt of the applications, and testimony to be submitted to the Dawes Commission, in support of the claim of Martha J. Smith et al for citizenship in the Cherokee Nation.

(Signed) C. A. Thomas

Subscribed and sworn to before me this, the 8th day of September, A. D., 1896.

(Signed) G. W. Baker,
Notary Public.

(SEAL)

My Commission expires on the 21st day of November, A. D., 1899.

Indorsements:

No. 3450.
Martha J. Smith
v
Cherokee Nation.

Filed Sept. 9, 1896.
A. S. McKennon,
Clerk.

Rejected.

Osage, Ark.

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Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A.S. McKennon, T. E. Sabanas, and A. B. Montgomery, Commissioners.

In the matter of application of Martha Smith et al for citizenship in the Cherokee Nation.

Nation's No.
Commission's No.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the ground thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy; and no legal right, therefore, to hear and determine the same.

And. That the application does not state facts sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Dempsey Tyner through whom the petitioner claims to derive her right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By Hastings, Hutchings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adair.

Subscribed and sworn to before me this, the 19 day of Sept 1896.

(Signed) D. J. Ball,

Notary Public.

(SEAL)

Indorsements:

Nation's No. 1958.

Commission's No.

In re Application of
Martha Smith, et al.

DEMURRER AND ANSWER.

Filed Sept. 25 1896.

A. S. McKennon,
Com'r.

---000000000---

(The following is the record of the Commission to the Five Civilized Tribes as found on page 80 of Docket "B" of applications for Cherokee citizenship made to the said Commission in 1896:)

3450.

Martha J. Smith,

V.

Cherokee Nation.

Winita, Indian Territory, October 22,
1896. Filed Sept. 9, 1896. Answer
filed. Application denied.

Geage, Arkansas.

---000000000---

J. S. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the records in the matter of the application of Martha J. Smith in 1896, to the Commission to the Five Civilized Tribes, for citizenship in the Cherokee Nation, and that the above and foregoing is a true and complete copy of all the papers and record on file with this Commission.

J. S. Reason
Subscribed and sworn to before me this February 24, 1908.



Commissioner.

CONTENTS

ACTING CHAIRMAN

It is understood that; subject of this agreement be killed with the
in order of the above cases.

MAY 23 1982

2030. Neither the names of William Smith or Nathan Smith are found
case of Newton I. Hibbs et al. vs. Cherokee Nation, Commission No.
Hibbs is thought to be George M. Stiles, one of the applicants in
Taylor, et al. vs. Cherokee Nation, Commission No. 2028. George M.
Gardner et al. vs. Cherokee Nation, Commission No. 2222; and Jesse L.
Hibbs, et al. vs. Cherokee Nation, Commission No. 2030; Kelly B.
Williams et al. vs. Cherokee Nation, Commission No. 1411; Newton I.
Taylor, et al. vs. Cherokee Nation, Commission No. 1413; Nathan
Olson et al. et al. vs. Cherokee Nation, Commission No. 1413; Nathan
and William Smith are identified as applicants for admission to Cherokee

Cherokee D 51

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 12, 1896

In the matter of the application of Martha Smith, et.al. for
enrollment as Cherokee citizens.

Docket entry and petition in the case of Martha Smith vs.
Cherokee Nation, Docket B, page 155, Case No. 3899, Citizenship
records of the Commission to the Five Civilized Tribes.

Martha Smith, Filed September 2, 1896.
vs. Answer filed.
Cherokee Nation. Application denied.

APPLICATION FOR ENROLLMENT.

To The Honorable Henry L. Dawes, Frank C. Armstrong, Archibald
S. McKennon, Thomas B. Cabaniss and Alexander H. Montgomery, United
States Commissioners authorized by an act of Congress of June 4, 1896
to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen: The undersigned, your petitioner, Martha Smith, nee
Tyner for and on behalf of herself and heirs, this day makes this
their application to you for the purpose of being placed on the revis-
ed roll of Cherokee Indians and of those entitled to share in the
distribution of funds and allotments of land in Cherokee Nation, by
virtue of their Cherokee blood, and I herewith submit the

Jesse L. Tyner

John W. Tyner

in support of said claim, and respectfully await the time when their
application shall be heard and tried.

Respectfully submitted,

Martha Smith.

Enrollment of family, with relationship attached, as follows:

Campbell Ind. Ter.

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<u>N a m e s</u>	<u>A g e</u>	<u>R e l a t i o n s h i p</u>
Martha Smith, nee Tyner	39	Martha Smith whose maiden name was Martha Tyner is a daughter of Hiram Tyner grand daughter of Lewis Tyner great grand daughter of Dempsey Tyner, who was a Cherokee Indian by blood.
William H. Smith, her husband		
children of Martha Smith		
Jefferson Smith.....	19	
William "	17	
Jennie "	15	
Laura "	13	
Lizzie "	9	
Minnie "	7	
Rhufus "	5	
John "	2	

In witness of which I hereunto set my hand on this 25 day of July 1896.

Martha Smith.

It does not appear that any appeal was taken from the decision of the Commission denying the above application.

From an examination of the records in the case of John H. Tyner et.al. vs The Cherokee Nation, No. 1412, it appears that one Martha H. Tyner was an applicant for citizenship in the Cherokee Nation before the Commission to the Five Civilized Tribes in 1896. The said Martha H. Tyner, however, is there included among the family as the twenty-six year old child of John W. and Louisa Tyner. The application made for her was denied, and it does not appear that any appeal was taken from such decision of the Commission.

The following is an entry on the docket of the United States Court in the Indian Territory for the Northern District in case No. 191;

Jesse L. Tyner, et.al.

vs.

Cherokee Nation.

"Referred to H.A. Gibson as Special Master under Rule 8, December 15, 1897; judgment reversed and application allowed."

The names of the persons embraced in the petition for appeal and in the Master's report and findings are as follows:

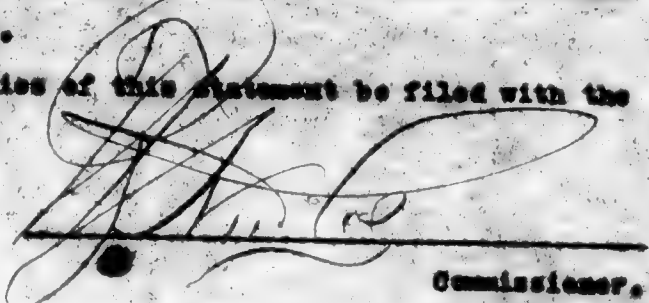
Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, John Carter, Belle Carter, James Hibbs, William Smith, Robert Williams and George M. Hibbs.

The above named parties with the exception of George M. Hibbs

-3-

and William Smith are identified as applicants for admission to Cherokee citizenship among a large number of others in cases, Lewis Tynor, et.al. vs. Cherokee Nation, Commission No. 1418; Martha Williams et.al. vs. Cherokee Nation, Commission No. 1418; Newton I. Hibbs, et.al. vs. Cherokee Nation, Commission No. 3525; Mary B. Carter et.al. vs Cherokee Nation, Commission No. 3733; and Jesse L. Tynor, et.al. vs. Cherokee Nation, Commission No. 3598. George M. Hibbs is thought to be George M. Sibley, one of the applicants in case of Newton I. Hibbs et.al. vs. Cherokee Nation, Commission No. 3525. Neither the names of William Smith or Martha Smith are found in either of the above cases.

It is directed that copies of this statement be filed with the testimony in the above case.


Commissioner.

1832

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Smith, et.al. for enrollment as Cherokee citizens.

On the sixth day of August, 1900, William H. Smith appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife Martha, and for his children, George J., Annie L., Elizabeth, Minnie, Rufus, and John Smith as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence applicant in chief was notified that his son George J. Smith, being twenty-three years old would have to make personal application to the Commission. His wife Martha Smith was placed upon a "Doubtful" card and a memorandum was made of his application for his minor children. The children have since been transferred to and consolidated with this case and are embraced in this decision.

William H. Smith was notified by registered letter that his case would be taken up for final consideration on the 17th day of February 1902. On that day the appearances were entered for applicants and the case was closed.

The following decision is now rendered.

D E C I S I O N.

--000--

From the evidence in this case it appears that application is made for Martha Smith as a Cherokee by blood, admitted to citizenship in the Cherokee Nation by the judgment of the United States Court in the Indian Territory. In support of the application there was presented a certificate of the Clerk of the United States Court in the Indian Territory for the Northern District to the effect that on the 15th day of December, 1899, one William Smith was admitted to citizenship in the Cherokee Nation on appeal from the Commission to

the Five Civilized Tribes. William H. Smith testifies that the name of William Smith in such certificate should be that of his wife Martha Smith. A reference to the Court records in the case of Jesse L. Tyner vs. Cherokee Nation shows that one William Smith is embraced in the report of the Master in Chancery to which the case was referred. The name of William Smith also appears among those praying for an appeal to the United States Court from the decision of the Commission to the Five Civilized Tribes. The record of this Commission, however, fail to show that any one by the name of William Smith was an applicant for admission to citizenship in connection with the case of Jesse L. Tyner and others. It is contended by applicant, however, that the name of William Smith appearing in the Court records should be Martha Smith. No one by the name of Martha Smith appears in connection with the case of Jesse L. Tyner, et.al. There is a Martha E. Tyner who appears to have been included in the family of John W. Tyner, but her application was denied and no appeal appears to have been taken from the decision. The evidence, however, shows that one Martha Smith, the wife of William H. Smith made application to this Commission on the 8th day of September, 1896, for admission of herself and family to citizenship in the Cherokee Nation. The application was denied and no appeal appears to have been taken from such decision. The age of Martha Smith in that application corresponds with the age of applicant's wife in this case. The names of her children, and also the name of her husband which appear in her petition are identical with the names of the principal applicant herein and four of his children for whom he makes this application. There does not seem to be any doubt that the Martha Smith who made application to this Commission in 1896 for the admission of herself and family to citizenship in the Cherokee Nation, and whose application was denied is the same Martha Smith for whose enrollment and that of her children application is now made. As the record fails to show that Martha Smith or any member of her family included in that

application ever availed themselves of an appeal from the decision of the Commission, as provided by law, such decision is now binding upon the Commission at this time and is therefore conclusive as to the present status of Martha Smith and the children named in the petition.

Under the facts in this case it is the opinion of the Commission that the William Smith embraced in the report and findings of the Master in Chancery in the case of Jesse L. Tyner et.al. vs. Cherokee Nation, and upon which report and findings the judgment of the Court was based, is not the Martha Smith for whose enrollment application is here made. Her children Elizabeth, Minnie, Rufus, and John appear to have been included in the petition of their mother in her application for citizenship to this Commission in 1896. There is also a Laura Smith included in such petition, her age being therein given as 15. The Annie L. Smith in this case was 17 at the date of this application for her enrollment. The probability is that the initial "L" in her name is for Laura, and that Laura Smith in that petition and the Annie L. Smith in this case is the same person. But even were Annie L. Smith not included in such petition this Commission is of the opinion that she could only take such rights as her parents possessed. Neither Martha Smith or any of her children appear to be identified upon any of the tribal rolls of the Cherokee Nation.


In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been

-4-

lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and suit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

In view of all the facts in this case and the law cited, it is considered that Martha Smith and her minor children Annie L., Elizabeth, Minnie, Rufus and John Smith are not entitled to be enrolled as citizens by blood of the Cherokee Nation. Their application will therefore be denied, and it is so ordered.


C. R. McCreary
Commissioner.

Dated at Muskogee, Indian Territory,

APR 26 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-81

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

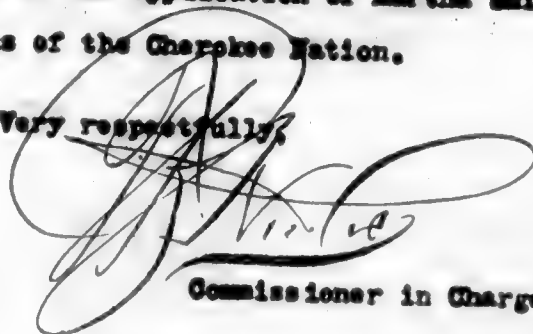
Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of Martha Smith et al, for enrollment as citizens of the Cherokee Nation.

Very respectfully,



Commissioner in Charge.

Encl. B-7.

COMMISSIONERS:
HENRY L. DAWES,
TAMM LIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-81.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Martha Smith for the enrollment of herself and her five children, Annie L., Elizabeth, Minnie, Rufus and John Smith, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,



Acting Chairman.

1081
IN THE MATTER OF THE APPLICATION OF

Martha Smith, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Transcript

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

[Handwritten signature]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6, 1900.

In the matter of the application of Daniel Brackett for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Gooden he testifies as follows:

- Q What is your name? A Daniel Brackett.
- Q What is your age? A About fifty-one.
- Q What is your post-office address? A Sallisaw.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen? A Yes sir.
- Q Your name appear upon the rolls of the Cherokee Nation? A Yes sir.
- Q In what districts do you live? A I live in this District, Sequoyah.
- Q How long have you lived in Sequoyah District? A I have lived here five years.
- Q Where did you live before that? A I lived in Flint District.
- Q How long did you live in Flint District? A I lived in Flint about five years.
- Q How long have you lived continuously in the Cherokee Nation? A Ten years.
- Q What is your father's name? A Wige Brackett.
- Q Is he living? A No sir.
- Q Did he die before 1880? A No sir.
- Q Was his name on the roll of 1880? A I don't know whether it was or not; he died in the old country.
- Q What is the name of your mother? A Cynthia.
- Q Is she living? A No sir, she died before I can recollect.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Sarah C. Brackett.
- Q Is she a citizen? A Yes sir I want to register her.
- Q Mr. Brackett you present a certificate of admission to Cherokee citizenship issued by the Commission on Citizenship dated 16th day of August 1899, signed by William P. Ross, Chairman of the Committee, attested by D. S. Williams, Clerk of the Committee, approved and indorsed by J. B. Hayes, Principal Chief, under the Great Seal of the Cherokee Nation; in this certificate I find the name of Daniel Brackett, aged forty-four years; are you the identical Daniel Brackett mentioned in this certificate? A Yes sir.
- Q This certificate requires that all persons who return to and permanently locate within the limits of the Cherokee Nation shall enroll themselves with the names of their family upon the date of their arrival in a book to be kept in the office of the Principal Chief, and this shall be done within one year from the date of this certificate; have you done that? A I didn't enroll; they told me it wouldn't be necessary to enroll; they taken the census roll that same year we come here. I was here inside the limits.
- Q Was you in the Cherokee Nation as a resident within one year from the date of this certificate? A Yes sir, I was at Sallisaw the 11th day of April.
- Q When were you married? A I was married in 1867.
- Q Does her name appear upon this certificate? A No sir, just me and my children.
- Q Have you any children under twenty-one years of age? A No sir not any now.
- Q You are then applying simply for yourself? A Yes sir.
- Q As I understand, you married your wife before you was admitted? A Yes sir.
- Q And her name does not appear in here? A No sir.
- 1896 roll, page 1052 #66 Daniel Brackett, Sequoyah District, fifty years old.

Commissioner.

Daniel Brackett #2

1894 roll page 518 #264 Daniel Brackett, Flint District.

Chief Needles: The name of Daniel Brackett appears upon the census roll of 1894 and the pay roll of 1894; he also presents certificate of admission to Cherokee citizenship as described in the testimony now taken, and has made satisfactory proof as to his residence. And now comes the representatives of the Cherokee Nation and object to the enrollment of said Daniel Brackett, consequently final judgment as to his enrollment will be suspended, and his name will be placed upon a doubtful card.

U. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of August 1900.

Commissioner.

"R".

Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 16, 1901.

In the matter of the application of Sarah C. Brackett for the enrollment of herself as a Cherokee citizen by blood; being sworn and examined she testified as follows:

BY COMMISSION:

- Q What is your name? A Sarah C. Brackett.
- Q How old are you? A 30 years old.
- Q What is your post-office address? A Sallisaw.
- Q Haven't you been enrolled? A No sir, I aint never been before you before, this is the first time.
- Q Do you apply for enrollment as a Cherokee by blood? A Yes sir, I am a Cherokee by blood.
- Q What degree of Cherokee blood do you claim? A One-eighth or a quarter.
- Q What district are you living in in the Cherokee Nation? A Sequoyah.
- Q Do you apply for anyone besides yourself? A No sir, my husband there and children has all do ne enrolled.
- Q Where were you born? A I was born in Georgia, Union County.
- Q When did you come to the Cherokee Nation? A It will soon be 12 years since I come here.
- Q Had you ever lived here before that time? A No sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation by the tribal authorities? A Well I have since called over here and they said it was all right.
- Q Did you apply for admission to citizenship when you came here? A Yes sir.
- Q Have you any evidence of that admission? A I had one paper and I sent it to Washington; they said they would give me some more papers, but I never got them.
- Q Were you admitted by an act of Council or by an act of the Commission on Citizenship? A I can't tell you.
- Q Were you admitted at the same time that your husband was admitted? A No sir, I was not admitted at the same time he was; I went ahead and made my proof since that and they said it was all sufficient, I had done all that was required of me.
- Q How long ago was that? A About 10 years ago.
- Q Did they give you a certificate of admission? A Well they gave me a copy of it, although I called for it.
- Q Were you admitted or were you rejected? A I was not rejected, I sent it to Washington.
- Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes sir, I drew my Strip money.
- Q Is your name on the Strip payment roll of 1894? A I reckon it is.
- Q Is your name on the roll of 1896? A I aint looked at the rolls, I don't know.
- Q What is the name of your husband? A Daniel Brackett.
- Q Daniel R. isn't it? A No sir, no R. to it.
- Q How old is he? A He is about 54 years old, I reckon; he is older than I am.
- Q Is his post-office address at Sallisaw? A Yes sir.
- Q When were you married to him? A 30 some odd years ago.
- Q Have you and he been living together continuously since that time? A Yes sir, been living together all the while.
- Q You are living together now? A Yes sir.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he come to the Cherokee Nation when you came? A Yes sir, we all came at the same time.
- Q Why didn't you apply for admission when your husband applied? A I was not here at this place at that time.

Q Then you didn't come when your husband came? A Yes sir, I came when he come, but I wasn't here at that time.

Q When did your husband come? A He come at the same time I come; we have been here over 12 years.

Q What do you mean by saying you were not here? A I was not at this place.

Q Were you in the Cherokee Nation? A No sir, I was at my old home.

Q You came here with your husband 12 years ago? A Yes sir, not hardly 12 years it aint.

Q And you stated awhile ago that you were not here when he made his application? A No sir, we was in the old country when our case were passed on and we were sent for and we come.

Q Then you were admitted to citizenship before you came to the Cherokee nation? A No sir, I was not.

Q Your husband was? A Yes sir.

Q How long after you came to the Cherokee Nation was it before you made application for admission? A Right the next fall.

Q Have you got any children? A Yes sir.

Q What are their names? A Emma Wilson, W.H. and Susan Brackett and Susan Adair.

Q They were admitted when your husband was? A Yes sir. Now the reason mine stayed the way it did was because there was no one to get for the witness.

Q You were never re-married to your husband after he was admitted to citizenship? A No sir.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified as follows:
page 1051, No. 66, Sarah C. Brackett, Sequoyah District, native Cherokee, (with Daniel Brackett on this roll.)

Q What district were you living in when you drew your Strip money? A I was living in Flint District when we drew our Strip money.

Q Did you draw your money at the same time your husband drew his? A No sir.

Q Did you draw after the payment was made? A Yes sir.

Q You drew then by a special act of the Council did you? A Yes sir, I did.

BY MR. BAUGH:

Q That is the time then that you claim you were admitted to citizenship when they gave you your Strip money, is that it? A I reckon so, that's the time.

1894 payment roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q Did you ever have a child named Alice? A No sir.

Q Do you know any other Sarah Brackett living in the Cherokee Nation? A Yes sir, there is another Sarah Brackett besides me.

Q Do you know any of her children? A She has just got one child.

Q What is its name, do you know? A Minnie, Armina I think she signs her name.

COMMISSION:

Sarah C. Brackett applies for the enrollment of herself as a Cherokee by blood. She avers that she came to the Cherokee Nation some 12 years ago from the State of Georgia, and that after she came to the Cherokee Nation that she was admitted to citizenship by the tribal authorities. No evidence of said admission is introduced at the present time. She is not identified upon the Strip payment roll of 1894. She is identified upon the census roll of 1896 as a native Cherokee and the wife of Daniel Brackett; said Daniel Brackett has been listed for enrollment as a Cherokee by blood on doubtful card No. 62; the applicant avers that she and her husband were mar-

ried some thirty years ago, and that they have been living together continuously since that time, and are living together at present. By reason of the fact that the applicant does not produce any satisfactory proof as to her admission to citizenship she will be listed for enrollment as a citizen by blood, on a doubtful card, No. 22, that being the card of her husband. It will be necessary that the applicant furnish the Commission satisfactory proof as to her admission to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

SUPPLEMENTAL:

To Judgment. (Of same date.)

DANIEL BRACKETT, being sworn and examined, testified as follows:

Present:

Applicant, Sarah C. Brackett, and husband, Daniel Brackett. J.L. Raugh, for the Cherokee Nation.

BY COMMISSION:

- Q What is your name? A Daniel Brackett.
Q How old are you? A I don't know my age exactly.
Q About how old? A Somewhere about 60 I reckon, 51 or 2, I don't know.
Q What is your post-office address? A Sallisaw.
Q Are you a citizen of the Cherokee nation? A Yes sir.
Q By blood? A Yes sir.

BY MR. BAUGH:

- Q Mr. Brackett, are you the same Daniel Brackett that applied at Sallisaw August 6, 1900 for enrollment? A Yes.
Q Is Sarah C. your wife? A Yes sir.
Q Why didn't you make application for her at the time you made application for yourself? A I ~~don't~~ Why didn't I?
Q Yes sir? A I had some papers and introduced them and they shoyed them back to me and never so much as looked at them I don't think.
Q Did you tell the Commission that you desired to enroll your wife as a citizen of the Cherokee Nation at that time? A No sir I didn't tell them that.
Q Why didn't you make application for your wife at that time?
A I ought to have done it, but I didn't do it.
Q At that time were you cognizant of the fact that your wife had been admitted to citizenship as you claim now? A Why yes, that is what they claimed here you know, that she was admitted; that she had all the papers that was necessary.
Q Was there any citizenship papers ever placed in your possession?
A Not in my hands, no sir.
Q Did you ever see any? A No sir, but she came here and got them and sent them to Washington City to the Secretary.
Q Got them from the Executive Department? A Yes sir.
Q I will ask you if you applied to the Executive Department for a copy of those papers since you have been here? A Yes sir.
Q What did you find there? A They said they had no record of it.
Q No record that she ever had been admitted? A No sir.
Q No record that she had ever applied? A Yes sir, I reckon there was a record that she applied. No I don't believe there was, Mr. Baugh; that is, her individual self you know.
Q What was the nature of those papers you sent to Washington City?
A She just sent for her removal money you know; you know those that paid their way to this country had a right to their removal money, \$3 and 1/3 dollars per head.
Q Did she ever get her money? A No sir.

Q Do you know the reason why? A No sir, they wrote to her that the appropriation had give out; it was all right, but we would have to wait until more money was appropriated; that is what the Secretary said about it.

BY COMMISSION:

Q When was that Mr. Brackett, how long ago? A I don't know, I don't remember exactly, it has been about 4 or 5 years, I suppose; three or four; when they were paying out that removal money you know.

Q Did your wife actually draw the Strip money? A Yes sir.

Q What amount did she draw? Same amount the others draw.

Q What did they draw? A About 265 and something wasn't it?

Q Was that money paid to her by act of Council? A Yes sir.

Q Have you any evidence of your marriage to your wife? A Why I could produce plenty of evidence here in the country I suppose.

Q Well were you married in the State of Georgia? A Yes sir.

Q Then you procured a license and certificate did you not? A Yes sir, I would write back there I suppose to the Ordinary and get a marriage certificate if it is necessary.

BY MR. BAUGH:

Q How was this money paid to your wife, this money you claim she draw, did you get the money for it or was it paid in a warrant?

A Got the money.

Q Direct? A Yes sir.

Q Who drew the money for your wife? A I drew the money myself.

Q Came here to Tahlequah and got it? A Yes sir.

BY COMMISSION:

Mr. Brackett, you had better get a certified copy of the marriage license and certificate and sent it to the Commission, and you should also procure a certified copy of that act of the Council paying this 265 dollars to your wife, and mail it to the Commission.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 18, 1901.

J. C. Starr
Notary Public.

10825

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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ACTING CHAIRMAN

Comptroller

Interviewed and grown to produce in the laboratory in 1978.

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Cherokee D 82.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Daniel Brackett, et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw, I.T., Att'y for Appl'ts.
W.W. Hastings, attorney for the Cherokee Nation.

DANIEL BRACKETT, appearing before the Commission and being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Daniel Brackett.

Q How old are you? A I don't know my age, exactly, I am about 52 I suppose.

Q What is your post-office address? A Sallisaw.

BY MR. HUCKLEBERRY:

Q I wanted to ask him about the marriage of himself and wife: whereabouts were you married? A In the State of Georgia.

Q You remember what year? A I think it was '69. I aint certain about it; I aint positive of that fact, '68 or '9, I forget which it was.

Q What was her maiden name? A Sarah Mathews.

Q Was she a Cherokee by blood? A Yes sir.

Q On which side, on the father or mother's side? A On the mother's side.

Q What was the mother's name? A Jane McDaniel, Jane Mathews.

Q What was the father's name? A Allen Mathews.

Q When did you move to this country first? A Well I have been here 12 years, in April.

Q You came here in 1890 then? A Yes sir, 11th day of April we reached Sallisaw.

Q Did you ever come here before? A No sir, I never have been here before.

Q You notice that paper? A Yes sir.

Q Was that delivered to you at the time? A Yes sir.

BY COMMISSION: There is offered in evidence a certificate from the Cherokee Commission on citizenship bearing date of August 16, 1889, admitting Daniel W. Brackett and others to citizenship in the Cherokee Nation, and same is filed herewith.

Q Is there anything else you desire to ~~xxx~~ offer in evidence in this case? A Yes sir. (Produces papers, copies of which are found to be on file.)

MR. HUCKLEBERRY: Here is also a certificate we want to introduce for Mrs. Brackett. (Hands to Commission.)

BY COMMISSION: There is offered in evidence a certificate from B.W. Alberty, Assistant Executive Secretary of the Cherokee Nation, certifying that the name of Sarah C. Brackett appears as number 37 in the list of persons included in an act of the Cherokee National Council entitled "An act making appropriation for the benefit of persons residents of Tahlequah District omitted from the pay rolls and from participating in the distribution of the strip fund or the last per capita payment." Same is filed.

Q Is there any further testimony that you desire to introduce in this case? A No sir, we want at the same time to take up his children.

Q Do you submit this case to the Commission for final consideration?

MR. HUCKLEBERRY: Yes, sir.

APPLICANT: Yes, sir.

Q Do you submit, Mr. Hastings?

MR. HASTINGS: Yes, sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

"R"

Cherokee D 89.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 17, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Alexander B. Clapp for enrollment as a citizen by intermarriage of
the Cherokee Nation.

Appearances:

Applicant, in person;

W.W.Hastings, attorney for the Cherokee Nation.

ALEXANDER B. CLAPP, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Alexander B. Clapp.
Q Where do you live? A I live in the Cherokee Nation.
Q Are you an applicant before this Commission for enrollment as
a Cherokee by intermarriage? A Yes sir.
Q Do you desire to make any further statement relative to your
enrollment? A Why no sir not that I know of, I guess everything
is here that ought to be before the Commission.
Q Do you submit this case then to the Commission for final
consideration? A Why I could introduce some testimony, some more
evidence here.
Q Have you got it with you? A No sir.
Q Well then we cannot permit you to introduce it, the notice told
you specifically that if you wanted to introduce any more testimony
you would have to have it to-day.
Do you submit this case to the Commission? A Why, yes sir.
BY MR. HASTINGS: We submit.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 13, 1903.

In the matter of the application of DANIEL BRACKETT, for the enrollment of himself and his wife SARAH C. BRACKETT, as citizens by blood of the Cherokee Nation:

JOHN M. BRANNUM, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A John M. Brannum.
- Q How old are you ? A I am sixty odd.
- Q What is your post office ? A Sallisaw.
- Q Are you a citizen of the Cherokee Nation ? A No sir.
- Q How long have you been living in the Cherokee Nation ?
- A I have been here going on ten years.
- Q Do you know Sarah C. Brackett ? A Yes sir.
- Q Did you know her parents ? A Yes sir.
- Q Her father's name was Allen Mathis ? A Yes sir.
- Q He was a white man ? A Yes sir.
- Q What was her mother's name ? A Jane.
- Q Was she a Cherokee ? A Yes sir.
- Q How long have you known her ? A Ever since I can recollect.
- Q Where was she living ? A She was living then in Georgia, of course, where she was raised at, and where I was raised at; I first knew her when I was very small in Cherokee County, North Carolina.
- Q And you knew her after that in Georgia ? A Yes sir. Knew her all my life up until after the war.
- Q Was she a Cherokee Indian ? A Yes sir, that's been my understanding always.
- Q Was there any doubt about it ? A No sir.
- Q Did she look like an Indian ? A Looked like she might be a half breed. My understanding always has been that her father was about, or pretty near, a full blood.
- Q When did she come to the Cherokee Nation ?
- A I can't tell you just when she came, but she was here when I first come here.
- Q When did you come to the Nation ? A I come here, last August was nine years ago; but then I come from Texas here, I had left Georgia several years ago.
- Q Was Sarah married over in Georgia ? A Yes sir.
- Q You remember the occasion of her marriage, do you ?
- A No sir, I do not.
- Q Where were they living in the Cherokee Nation when you come ?
- A They was living up here on Coal Creek in Illinois or Flint district, close to the line.
- Q Did Sarah's mother, Jane, come with her ? A I don't know.
- Q When did Jane Mathis come to the Nation ?
- A Mr. Brackett can tell you, because she was here when I come here nine years ago.
- Q Jane was ? A Yes sir.
- Q What district were they living in ? A Flint District.
- Q That was nine years ago ? A Last August yes sir.
- Q Have they been living in Flint district ever since ?
- A No sir, they have been living the bigger portion of that time down in Sequoyah district near Sallisaw.
- Q Is Jane Mathis living yet ? A No sir she's dead.
- Q How long ago did she die ? A She died in October.
- Q About four months you think ? A Yes sir.
-

DANIEL BRACKETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Daniel Brackett.
- Q How old are you ? A I am somewhere about fifty four or five I don't know exactly.
- Q What is your post office ? A Sallisaw.
- Q Are you a Cherokee by blood ? A Yes sir.
- Q Were you admitted to citizenship in the Cherokee Nation ? A Yes sir, I was admitted here.
- Q When ? A In August, 1889, I believe; my papers is here somewhere.
- Q Was your wife Sarah admitted with you ? A No sir.
- Q How did that come ? A I don't know how that come.
- Q Did you apply for admission to citizenship ? A Yes sir.
- Q Yourself ? A Yes sir.
- Q Who did you include in your application ? A I included her and the children, or had it done you know.
- Q Who was your attorney ? A Gus Ivey.
- Q Was that application made by you before you came here to the Cherokee Nation ? A Yes sir it was made before I came here.
- Q Do you know who was admitted with you then ? A Well, my children was admitted with me.
- Q But not your wife ? A No sir, she was not admitted at that time.
- Q Was she admitted at any time ? A They claimed she were, I don't know, I can't tell you about that.
- Q You brought her with you from Georgia, didn't you ? A Yes sir.
- Q She hadn't been admitted at that time ? A No sir.
- Q Was she admitted afterwards ? A That's what they told me.
- Q You would certainly know wouldn't you ? A I don't know about that, they claimed it was done in Council.
- Q What year ? A That was about 1894, I reckon, somewhere along there. I don't know exactly the date.
- Q Was her mother Jane Mathis admitted ? A No sir.
- Q She never was admitted ? A No sir, not in this part of the country.
- Q When did Jane Mathis come to the Cherokee Nation ? A It must have been ten or eleven years ago, I don't know exactly the date, she come after I come to the country.
- Q You came shortly after your admission ? A Yes sir.
- Q What year ? A In 1890.
- Q Jane Mathis didn't come until after that ? A No sir, she come about the second year after I come.
- Q You say she never was admitted ? A No sir, she never was admitted at all. My son wrote back but they never found her papers.
- Q So she never claimed citizenship in this country did she ? A She claimed it but she never did get her papers like she ought to have had them.
- Q Well, its probable then, that your wife was never admitted then, either ? A It might be possible, I don't know. That's what they told us. She went to Tahlequah and got a certificate and sent it to the Secretary of the Interior.
- Q Did Jane Mathis have any other children ? A Yes sir.
- Q Did any of them come with her ? A No sir, one come with them, but they have gone out of the country.
- Q Were they ever admitted to citizenship ? A No sir.

- Q Did your wife ever make any effort to be admitted after she came here ? A Yes sir.
- Q Who was her attorney ? A Why Gus Ivey was looking after the business.
- Q But you don't know whether she was admitted or not ?
- A No sir, I can't be positive about that, they told her that she had done all that was necessary.
- Q Who told her that ? A Parties told her that, up yonder at Tahlequah you know. She went back after that and got a certificate and send it to the Secretary of the Interior, about her removal.
- Q You were lawfully married to her in Georgia ? A Yes sir.
- Q Did you present your marriage certificate here ?
- A Yes sir my marriage certificate is here.
- Q Your marriage certificate to this wife ? A Yes sir.
- Q Is she your first wife ? A Yes sir.
- Q And are you her first husband ? A Yes sir.
- Q And have you been living together ever since you were married ?
- A Yes sir.
- Q Never were separated ? A No sir.
- Q Have you been residing in the Cherokee Nation ever since you came here in 1890 ? A Yes sir.
- Q You and your wife ? A Yes sir.
- Q Never lived outside the Cherokee Nation since that time ?
- A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this March 7, 1903.

Samuel Foreman

Notary Public.

Cherokee D. 82.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Daniel Brackett as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900, Daniel Brackett appeared before the Commission at Sallisaw, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 15, 1902, and at Vinita, Indian Territory, on February 15, 1903. The application also included Sarah C. Brackett for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that the said Daniel Brackett was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on August 16, 1895, and is identified on the Cherokee census roll of 1895.

The evidence further shows that the said Daniel Brackett removed to the Cherokee Nation within the time limit specified in the certificate of admission, and has lived continuously for the past ten years in said nation, and that he was a resident therein at the time of this application.

It is, therefore, the opinion of this Commission that Daniel Brackett should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 25, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Bixby.

Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

SIGNED:

W. E. Stanley.

Commissioner.

Noted at Muskogee, T. T.,

6116

JUN 1 - 1903

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sarah C. Brackett as a citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Sallisaw, Indian Territory, August 6, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah C. Brackett as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 16, 1901, at Muskogee, Indian Territory, February 17, 1902, and at Vinita, Indian Territory, November 13, 1903.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah C. Brackett, alleges that she is a Cherokee by blood, but a careful examination of the records of this office fails to show that she was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory on appeal therefrom, or that she has ever been recognized in any manner as a citizen by blood of the Cherokee Nation. The evidence further shows that said applicant, on June 1, 1868, in the state of Georgia, was married to one Daniel Brackett, and it is considered, in view of the foregoing, that she possesses no right as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of said marriage; that the said Daniel Brackett was not, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship therein by the duly constituted authorities of said Nation, August 16, 1889, and the name of Sarah C. Brackett is not mentioned in the act admitting, among others, said Daniel Brackett to citizenship in the Cherokee Nation.

It is, therefore, considered that said applicant did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

Said Sarah C. Brackett is not identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated

November 5, 1896, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah C. Brackett, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 22, 1896, (30 Stat. 496), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED *Tams Bixby*.

Commissioner

Dated at Muskogee, Indian Territory,

this

FEB 24 1907

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-82.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

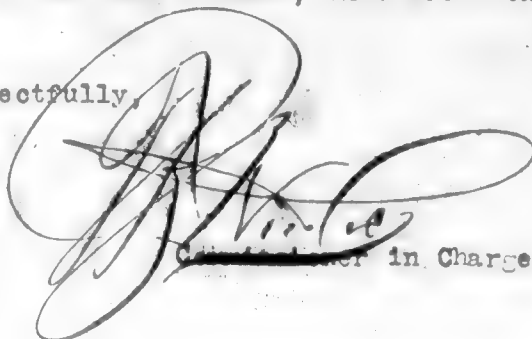
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Daniel Brackett for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Secretary in Charge.

Enc. H-24.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D. 82

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Sarah C. Brackett as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Encl. E- 81
BLE

1E 82
IN THE MATTER OF THE APPLICATION OF

Samuel Brackley

FOR ENROLLMENT AS

✓ **CHEROKEE CITIZENS.**

A. Original testimony - August 6, 1900

B. Mem^o of application. 6. 1900

Original testimony, 7. 5. 1901.

Mem^o of application Nov. 11, 1901

C. Notice of final consideration

D. Supplemental testimony and order
closing testimony - Feb 7 - 00

referred to Chero. 10269

OCT 10 1907

Cher D 83

Cher D 83

283.

AUG 7 1900

Wingfield, P. A. 2004.

At the same time, the Commission has been working to ensure that the Commission's work is not seen as a threat to the role of the national governments. It has been clear from the start that the Commission's role is to complement the work of the national governments, not to replace it. The Commission has been working to ensure that the Commission's work is seen as a threat to the role of the national governments. It has been clear from the start that the Commission's role is to complement the work of the national governments, not to replace it.

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 2. The second of the three is the "General
 3. The third of the three is the "General

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 6, 1900.

In the matter of the application for the enrollment of Andrusha Largent for enrollment as a Cherokee by blood. George A. Largent, being duly sworn and examined by Commissioner Brockbridge, testified as follows:

- Q What is your full name? A George A. Largent.
Q What is your age? A 23.
Q What is your post office? A Gritts, I. T.
Q What is your district? A Canadian district.
Q How long have you lived in Canadian district? A About 3 years.
Q Where did you live before that? A I lived in the Choctaw country.
Q How long did you live there? A I lived there about 5 years.
Q Where did you live before that? A I lived in Arkansas.
Q For whom do you apply now for enrollment? A My wife, Andrusha Largent.
Q Before you and your wife were married her name was what? A Hargrove.
Q How old is your wife? A She is 16.
Q Is she a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim for her? A 1/16, I suppose, as well as I know.
Q Do you apply for anybody but your wife? A No, sir, nobody but my wife.
Q What district does she live in, or did she live in when you married her? A Canadian.
Q Did she always live in Canadian? A Yes, sir.
Q When were you married? A I was married in 1899.
Q Is your wife on the roll of 1899? A Yes, sir, I suppose she is.
Q And on the roll of 1894? A I suppose so.
Q What was her mother's name? A Her mother's name was Hargrove.
Q She had other children besides your wife? A Yes, sir.
Q What was her full name? A It was Maria Hargrove.
Q Do you think her mother is on the roll of 1890 as Hargrove? A I don't know whether her name is enrolled in 1890 or not.
Q Is her mother living now? A No, sir.
Q When did she die? A I can't tell you that, I have forgotten. (Andrusha Largent on 1894 roll, page 82, No. 1716, Canadian dist. On 1896 roll, page 80, No. 824, Canadian district, Andola Hargrove.)
Q Was her mother on the 1890 roll? A I don't know whether she was on the 1890 roll, she was admitted before 1890, that is my understanding.
Q Have you any written evidence of your wife's mother being admitted to citizenship? A No, sir.
Q Give your idea about your wife's mother being admitted, where she came from? A Andy Ross admitted her is the best of my knowledge, he was her father.
Q Where did she come from? A Arkansas.
Q Do you mean that she got admitted through him? A Yes, sir, through him, that is my understanding, I haven't got any written evidence of this at all.
Q Was your wife's mother a daughter of Andy Ross? A Yes, sir, that is my understanding, that she was a daughter of Andy Ross.
Q And then she married a man named Hargrove? A Yes, sir, George Hargrove.
Q Where was your wife born? A I suppose in Arkansas, William H. Ross is my wife's mother's brother.
Q Where was your wife born? A In Canadian district.
Q Have you any neighbors here who knew about your being married

~~XXXXXXXX~~

Andruska Largent - 2.

to your wife? A I have Mr. Ross.

William H. Ross, being sworn and examined by Commissioner Breckenridge, testified as follows:

Q What is your name? A William H. Ross.

Q And your post office address? A Webers Falls.

Q How long have you lived in this country? A I have lived here since about 1875 or 1876.

Q Mr. Ross, do you know the applicant here, George Largent?

A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Is his wife kin to you? A Yes, sir.

Q What kind? A My niece.

Q Where were they married? A I cannot answer the question.

Q What is her name? A Andruska Hargrove, it was before she married.

Q Have they been married 10 years? A No, sir.

Q Been married one year? A Yes, sir, been married about one year.

Q Have they lived together as husband and wife ever since they married? A Yes, sir.

Q And are so living now? A Yes, sir.

A Now Mr. Ross, the age his wife is testified to as being is about 16, now who was her mother? A Her mother was Maria Hargrove.

Q She was your sister? A Yes, sir.

Q Isn't she on the roll of 1880? A No, sir.

Q Why not? A Her husband went to the states when they taken that roll.

Q You are on the roll of 1880 I believe? A Yes, sir.

Q And your sister was absent with her husband at that time?

A Yes, sir.

Q Maria Hargrove is dead, isn't she? A Yes, sir.

Q When did she come back to the Cherokee Nation from that visit?

A In 1881 or 1882, I could not be positive.

Q When did she die? A I can't answer the question.

Q How long was she visiting out of the Territory? A 12 months, to the best of my knowledge.

Q Where was your sister born? A She was born in the states.

Q When did she die? A I can't answer that question.

Q Been dead some year, hasn't she? A Yes, sir, I can't exactly answer that question.

Q Has she been dead 10 years? A Yes, sir.

Q Has she been dead 15 years? A No, sir, he has not been dead 10 years, I was mistaken.

Q Did she live here in the Cherokee Nation from along about 1881 or 1882 until the time of her death? A Yes, sir.

Q And was this niece of yours, this man's wife, born here in the Cherokee Nation? A Yes, sir.

Q And lived here all her life? A Yes, sir.

Q Where was Maria Hargrove, the mother of this woman Andruska Largent, married? A Married in the states.

Q What was her husband, was he a citizen of the Cherokee Nation?

A No, sir, he was a citizen of the state of Arkansas.

Mr. W. T. Hutchings, attorney for Cherokee Nation: Were not you admitted to citizenship by some court of commission? A Yes, sir.

Q When was that? A It was in 1885 or 1886, I will not be positive; in 1875 or 1876 I mean.

Q You were admitted by the Council then? A Yes, sir.

Commissioner Breckenridge: Was Maria Hargrove, your sister, admitted by any authority of the Cherokee Nation? A Yes, sir.

Q By the Council? A Yes, sir.

Q When? A When I was, in 1875 or 1876.

Q And then she left and went to Arkansas? A Yes, sir, they lived

Andrusha Largent - 3.

in the Nation quite a while and then went back and was out about 12 months.

Q And out there she married? A No, sir, she married before she came to the Territory.

Mr. Hutchings: Was she married here when she was admitted to citizenship? A Yes, sir.

Commissioner Breckenridge: She was admitted in 1875 or 1876 by the Cherokee authorities, and happened to miss the 1880 enrollment by being out of the Nation for a little while? A Yes, sir.

George A. Largent, recalled, testified:

Q Now Mr. Largent, your wife is duly identified on the roll of 1894 and also on the roll of 1896, but that simply gives us jurisdiction over her case, although it is true that it is to quite an extent persuasive, but it is not conclusive of her citizenship. The personal testimony establishes in a satisfactory manner the marriage of your wife to you, and her continued residence from her birth to this time in the Cherokee Nation, and in that way she is duly identified under her present name. It appears from personal testimony that your wife's mother, Maria Hargrove, was admitted to citizenship, or re-admitted, by the proper Cherokee authorities, under that name, along in 1875 or 1876, and that she failed to be enrolled on the roll of 1880 because of a temporary and brief absence from the Cherokee Nation, but that she came back to the Nation very soon after 1880, and lived here continuously until her death, and that her child, your wife, was born in the Nation. Now you are desired to procure and furnish to this Commission a certified copy of the proceedings of the Cherokee authorities supposed to be in 1875 or 1876, admitting your wife's mother to citizenship. Until that evidence is produced, ~~inasmuch~~ your application for your wife will be placed upon a doubtful card, but when that evidence is produced, in the absence of any conflicting testimony, then your wife ~~will~~ be duly enrolled as a Cherokee byblood.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reports the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 7th day of August, 1900.

Clifton A. Mearns

Commissioner.

Supl.-C.D.#83.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of ANDRUCIA LARGENT, ET AL., as citizens of the Cherokee Nation,

Applicant was notified by registered letter January 31, 1902, that her case would be taken up for final consideration on the 17th inst., and that she would on said date be given an opportunity to introduce any further testimony affecting her application. She has been called three times and fails to respond either in person or by attorney, and the case is closed.

C. R. Beavers

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrusha Largent and Emma E. Largent as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900, George A. Largent appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of his wife Andrusha Largent, and his minor child Emma E. Largent, as citizens by blood of the Cherokee Nation.

The evidence shows that one Andrew Ross and children were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on December 8, 1877. It further appears that one of his children, namely; Maria, was married at the time of said admission to one Hargrove. As a result of that marriage the principal applicant in this case was born. It is further shown that Andrusha Hargrove married, in 1889, George A. Largent. As a result of that marriage Emma E. Largent was born. Andrusha Largent, nee Hargrove, is identified on the Cherokee Strip Payment Roll of 1894. She is further identified on the Cherokee Census Roll of 1896, as a native Cherokee.

It is further shown that subsequent to the admission of Maria Hargrove, and prior to 1880, she left the Cherokee Nation on a visit, and did not return in time to be enrolled. It is also shown that the principal applicant was born in the Cherokee Nation and has lived continuously therein, and was a resident thereof at the date of this application. Emma E. Largent is considered to have resided therein continuously since birth.

It is, therefore, the opinion of this Commission that Andrusha Largent and Emma E. Largent should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 83.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,


Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of George A. Largent for the enrollment of his wife, Andrusha Largent, and his minor child, Emma E. Largent, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 123.

88
IN THE MATTER OF THE APPLICATION OF

Andrusa Sargent

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony, August 6, 1900

B. Memo of application - " 6, 1900

C. Certificate of admission

D. Birth affidavit - Emma E. Sargent

E. Notice of final consideration

F. Order closing testimony, Feb. 17, 1902

G. Supplemental statement, 3/13/02

H.

Transferred

to Cherokee

No 1128

See Cherokee Jacket 84

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 15 1969


ACTING CHAIRMAN

Handwritten vertical text, possibly a date or reference number, including "1969" and "Aug 15".

✓

Department of the Interior.
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 6th, 1900.

In the matter of the application of Joseph C. Wilson ~~for~~ for his wife, Magnolia Wilson, and child, for enrollment as Cherokee citizens; he being sworn and examined by Commissioner Breckinridge, testifies as follows:

- Q What is your full name? A Joseph C. Wilson.
Q What is your age? A Going on 34 years old.
Q What is your post-office? A Webbers Falls.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian district? A About 8 years.
Q Where did you live before that? A Saloma Springs, Ark.
Q For whom do you apply now for enrollment? A My wife and one child.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Magnolia Wilson.
Q And when you married her her name was Hargrove? A Yes sir.
Q How old is she? A 19 years old.
Q When were you married? A Married in '97.
Q Have you a certificate of marriage? A Yes sir.

You present here a duly authenticated marriage license and certificate showing that on the 2nd of July, 1897, you were married to Magnolia Hargrove and this identifies your wife under her present name. This is returned to you.

- Q Was your wife living in Canadian district in '94? A Yes sir, I guess so.
Q Also in '96? A Yes sir, I guess she was.
Q Is your wife's mother's name on the roll of 1880? A I could not tell you; don't think it is.
Q What was her name? Maria Hargrove.
Q Is your wife a sister of George Largent's wife? A Yes sir.
Q Is that Maria Hargrove who was the mother of George Largent's wife, the mother of your wife? A Yes sir, guess she is.
Q Do you understand that your wife's mother was admitted to citizenship by the Cherokee authorities in '75 or 1874? A In 1875 or '76, I guess.
Q She was admitted at that time as Maria Hargrove was she not?
A Yes sir, guess she was.
Q Along about 1880 did she move out of the Cherokee Nation on a visit for a little while? A Yes sir, think she did.
Q And in that way she failed to get on the roll of 1880? A Yes sir.
Q Do you understand that your wife's mother came back to the Cherokee Nation a little while after the roll of 1880 was taken? A Yes sir.
Q And did she live in the Cherokee Nation all the balance of her life until her death? A Yes sir, think she did.
Q Was your wife born here in the Cherokee Nation? A No sir, don't believe she was.
Q You think she was born while her mother was on that visit? A I can't say about that.
1880 roll; page 30, #623, Magnora Hargrove, Canadian Dist.
1894 roll; page 82, #1715, Magnora Hargrove, Canadian Dist.
Q Give me the name of your child? A Houston.
Q How old is he? A 8 years old.
Q You have got a certificate of his birth have you? A No sir.

Com'r. Breckinridge:

The woman, Magnolia Wilson, for whom application is made by her husband, Joseph C. Wilson, is duly identified as on the roll of 1894 and on the roll of 1894 under her maiden name of Hargrove. The license and certificate of marriage which have been cited in the

testimony identifies her under her present name as Magnolia Wilson. There is personal testimony to the effect that this woman's mother Maria Hargrove, was admitted to citizenship by the Cherokee Council Commission on Citizenship in 1874 or 1875 or 1876, and that she omitted to be enrolled in 1880 by reason of a brief absence from the Cherokee Nation, but that she returned to the Nation very soon after 1880 and lived here continuously for a number of years until her death. Now it is desired that a certified copy be procured from the Cherokee authorities of their action in admitting Maria Hargrove, the mother of Magnolia Wilson, at the time indicated. When that copy is supplied to this Commission, then Magnolia Wilson will be enrolled as a Cherokee by blood; and it is desired also that a certificate of the birth of the child, Houston Wilson, be properly made out and attested. When the mother's enrollment is justified by the production of the testimony stated and the certificate of the child's birth duly made out and authenticated and supplied to this Commission, then the child will also be enrolled as a Cherokee by blood. For the present, this application will be placed upon a doubtful card.

Edward G. Rothenberger, being duly sworn by Commissioner Brookinridge as Stenographer to the Commission to the Five Civilised Tribes, he reported in full the testimony of the above named witness, Joseph C. Wilson, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger.

Sworn to and subscribed before me this 7th day of August, 1900.

Commissioner.

Supl.-C.D.#84.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of MAGNOLIA
WILSON as a citizen of the Cherokee Nation;

Applicant was notified by registered letter January 31,
1902, that her case would be taken up for final consideration
by the Commission on the 17th day of February, 1902, and that
she would on said date be given an opportunity to introduce
any further testimony affecting her application. She was also
requested to supply the Commission with a duly sworn executed
affidavit as to the birth of her son. She has been called
three times and fails to respond and the case is closed.

C. R. Bucknidge

Commissioner.

J.O.R.

COMMISSION TO THE NATIONAL CIVIL RIGHTS

FILED
MAY 22 1902

RECEIVED

Received by the Commission for
the National Civil Rights

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 5, 1902.

In the matter of the application of Magnolia Wilson et al for enrollment as Cherokee citizens.

SUPPLEMENTAL TO D-84.

Applicant represented by her husband, Joseph Wilson.
Cherokee Nation represented by W. W. Hastings.

ROBERT F. ROSS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Robert F. Ross.
Q How old are you, Mr. Ross? A I am 49 years old, sir.
Q What is your present postoffice address? A Webbers Falls.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood or adoption? A By blood.
Q Are you acquainted with Magnolia Wilson? A Yes, sir.
Q Are you related to her in any way? A She's my sister's child, I would be her uncle.
Q What's her mother's name? Or what was her mother's name? A Her mother's name was Mariah P. Ross was her maiden name; married a man by the name of Hargrove.
Q Her maiden name was Ross and she married a man by the name of Hargrove? A Yes, sir.
Q So Magnolia Wilson's maiden name was Hargrove? A Yes, sir.
Q Who was the father of Mariah Hargrove? A Andrew Ross.
Q Is Mariah Hargrove living now? A No, sir.
Q Do you know the year she was born? A She was born, sir, in '55.
Q In 1855? A 1855, yes, sir.
Q Where was she born? A She was born four miles south of Alden, in Scott county, Arkansas.
Q Then did she come to the Indian Territory? A In '76 I think, sir.
Q Had she ever been recognized as a citizen prior to her removal to the Cherokee Nation in '76? A No, sir, she hadn't been in the Nation; that was the first time she had been in the Nation; she was raised there.
Q Was she ever admitted as a citizen by the Cherokee tribal authorities? A She was admitted with Andrew Ross and family, Andrew Ross and children, came with him, living with him when she was admitted.
Q Do you know whether or not her name appears upon the 1880 roll? A No, sir, it does not, I think, of course I never—I don't think it does.
Q Was she a member of Andrew Ross's family and living with him at the time Andrew Ross was admitted to citizenship by the Cherokee tribal authorities? A I think, sir, she was living in the house with him; I don't think they had ever—she was married but I don't think they had ever moved to their house.
Q She was married prior to the time her father was readmitted? A Yes, sir, when he was readmitted, now my understanding that he was readmitted; he was born and raised in the Nation, my father.
Q He was born and raised here? A Yes, sir.
Q Where was Mrs. Hargrove during the year 1880 at the time the 1880 roll was made up? A Well, sir, she had been in Arkansas, this man Hargrove was a white man, and his mother was a widow woman, and she wrote to him to come down and help her straighten up her business, they had some real-estate there, and wrote to him, she wanted him to come down and help them tend to that business and get it straightened

up, and he went down to help her, on visits rather and to straighten up that business, and about the time he was ready to come back, the time they was making the 1880 rolls, to the best of my recollection my father wrote to him that they was taking the census and he had better come on back and get on the rolls, and one of his children taken sick, had two children then, his oldest child taken sick and died, and by the time he died another one he taken sick and died the same time. On account of sickness why he didn't get back until the rolls was closed.

Q Do you know when Mrs. Hargrove was married, what year she was married to her husband? A No, sir, I couldn't swear to that, couldn't be positive, but she was married at the time Andrew Ross and his family was admitted by the tribal authorities of the Cherokee Nation, was she? A Yes, sir.

Q Well now Mr. Ross, after Mrs. Hargrove returned to the Nation was she ever readmitted by the Cherokee authorities to citizenship?

A I think not, sir, I don't think that she was; they didn't take all the stuff out of the Nation, just left—

Q Is she older or younger than you are? A Younger.

Q How much younger is she? A I was born in '53 and she was born in '55.

Q You remember when she and her husband returned to the Nation from Arkansas? A Yes, sir.

Q What year was that? A Well I say I remember when he come back, but I couldn't tell you about the time.

Q How long after the 1880 roll had been made up? A It was in the spring to the best of my knowledge, it must have been the spring of 1881, I couldn't tell you just exactly to the time.

Q You know by your father having written to Mr. Hargrove that they were preparing the 1880 roll that they were away at that time? A Yes, sir, and they were away from here when that 1880 roll was made.

Q And they didn't return until the following spring? A I think not to the best of my knowledge, somewhere along about the first of March when they got back.

JESSE T. ROSS, being first duly sworn and examined by the commission, testified as follows:

Q What is your name? A Jesse T. Ross.

Q Do you know the applicant in this case, Magnolia Wilson? A Yes, sir.

Q Is she related to you in any way? A Yes, sir.

Q State how? A Sister's child.

Q What was her mother's name? A Mariah.

Q Mariah what? A Mariah Ross first; her maiden name was Ross; then she married a man by the name of Hargrove.

Q How old was Mrs. Hargrove? A I don't know exactly, of course I am older than she is, why I think she was born in '55.

Q How old are you? A I am 51 years old.

Q What is your postoffice address? A Critts.

Q Where was Mrs. Hargrove in 1880, if you know? A She was in Arkansas on a visit.

Q Then her name wouldn't appear on the 1880 roll? A No, sir.

Q Was she ever admitted to citize ship in the Cherokee Nation? A Well, that was my understanding, when brother was admitted why the children was all admitted and of course that's the way it come to me. I know I was at Tahlequah with him and the names was put down there, he give them all the names, but then my understanding was that they just admitted him and his family, now, he and his children; of course I don't know just exactly.

Q Well do you remember how old Mrs. Hargrove was at the time of that admission? A No, sir, she was married.

Q She was married at that time? A Yes, sir, she was married I

reckon in must have been in '76, the spring of '76 if I ain't mistaken; that's as near as I think she was married.

Q Do you know how many children your father applied for at that time? A Why no, I don't know.

Q You know whether Mrs. Hargrove here was included in the number?

A Yes, sir, of course they put down all the names.

Q Was your name included? A Yes, sir.

Q Your brother's name too? A Yes, sir.

Q You base your citizenship upon that act of admission of your father and his family, do you, Mr. Ross? A Yes, sir.

Q Well after Mrs. Hargrove returned from Arkansas was she ever readmitted to citizenship by the tribal authorities of the Cherokee Nation? A I think not, I don't reckon they was out long enough for that, you know.

Q About how long were they out of the Territory? A Well I could not tell you, but they just went on a visit is all I know; they went down there, you see he was a white man and his mother was in Arkansas, and wanted him to wind up her business, her husband died and left some land or something down there.

Q You mean Hargrove was a white man? A Yes, sir.

Q How long has Mrs. Hargrove been dead? A Well I think she died in '84 as well as I recollect, '84 or '85 somewhere along there.

MR. HASTINGS: Where was Mrs. Hargrove married? A Married in Arkansas.

Q They were married in Arkansas? A Yes, sir.

Q In '76? A Yes, sir, I reckon it was '76 I think it was.

Q Where was Mrs. Hargrove born? A She was born in Arkansas.

Q Lived there up till the time of her marriage? A Yes, sir.

Q And then she come over here? A Yes, sir.

Q And then went back to Arkansas? A Well she went on a visit, they didn't move back.

Q How long had they been over here when they went back on a visit?

A Why they had been here, I don't know, two or three years, they went back.

Q Well about how long did they live in Arkansas after they were married before they come here? A About six months I reckon; they married in the spring; I wasn't there.

Q You wasn't there? A No, sir, I was here.

Q She lived up there in Arkansas from the time of her birth up till after she was married? A Yes, sir.

Q Ah' according to your best recollection a short time, six or eight months, after her marriage she come here and stayed awhile?

A Yes, sir.

Q And then went back to Arkansas? A Yes, sir, on a visit.

Q How do you know when she come back the last time? A Why she come back just a little too late to get on the 1880 roll on account of sickness.

COMMISSIONER: I believe you said Mrs. Hargrove was the mother of this applicant? A Yes, sir.

Q Mother of this applicant, Magnolia Wilson? A Yes, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of May, 1902.

Arthur G. Croninger
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-84.

In the matter of the application for the enrollment of
MAGNOLIA WILSON and her minor children, HOUSTON WILSON and VERNON
WILSON, as citizens by blood of the Cherokee Nation.

D E C I S I O N.
--:o:--

The record in this case shows that on August 6, 1900, Joseph C. Wilson appeared before the Commission at Ballisaw, Indian Territory, and made application for the enrollment of his wife, Magnolia Wilson, and his minor child, Houston Wilson, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application on May 5, 1902, at Muskogee, Indian Territory.

The evidence shows that Andrew Ross and children were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 8, 1877. It further appears that one of his children, namely Maria, was married at the time of said admission to one Hargrove. As a result of that marriage, the principal applicant in this case was born. It is further shown that Magnolia Wilson, nee Hargrove, was married on July 2, 1897, to one Joseph C. Wilson. As a result of that marriage, Houston Wilson was born. It further appears that, subsequent to the date of the application herein, there was born to said Joseph C. Wilson and his wife, Magnolia Wilson, a male child, one Vernon Wilson.

Magnolia Wilson is identified on the Cherokee Strip Payment Roll of 1894 and on the Cherokee Census Roll of 1896 as a native Cherokee. Vernon Wilson is identified by a birth certificate, filed herewith. The evidence further shows that Houston Wilson died on October 5, 1900.

It is further shown that, subsequent to the admission of Maria Hargrove, and before 1880, she left the Cherokee Nation for a visit. During her absence from said Nation, Magnolia Wilson, nee Hargrove, was born. Shortly after 1880, said Magnolia Wilson, nee Hargrove, returned with her mother to the Cherokee Nation, and has resided therein continuously up to and including the date of this application. The minor child, Vernon Wilson, is considered to have resided in said Nation since birth.

It is, therefore, the opinion of this Commission that Magnolia Wilson and Vernon Wilson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Houston Wilson should be, and the same is hereby dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this JAN 1 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF MAGNOLIA WILSON,
ET AL., AS CITIZENS OF THE CHEROKEE NATION.

D--84

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on January 12th., 1903, in the above case, and asks that the same be forwarded to the Secretary of the Interior for review.

The testimony in this case shows that the mother of the principal applicant was born in 1855 in the State of Arkansas, where she continued to live with her father until after her marriage in 1876, when she was twenty-one years of age, after which time she came to the Cherokee Nation, and with the exception of some two or three years subsequent to that time, when she went back to the State of Arkansas, she has lived in the Cherokee Nation.

The decision of the Commission states that:

"The evidence shows that Andrew Ross and children were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 8th., 1877. It further appears that one of his children, namely, Maria, was married at the time of said admission, to one Hargrove. As a result of this marriage, the principal applicant in this case was born".

Now how the Commission could construe that the admission of Andrew Ross on December 8th., 1877 could admit Maria Hargrove, the mother of the principal applicant, who was then twenty-two years of age, and who had previously married in the State of Arkansas, is not clear. We contend that she was not at that time a member of his family, and that this admission of her father did not carry with it the admission of his married daughter. It was incumbent upon her, as decided by the Supreme Court of the United States in the Eastern Band of Cherokees vs. United States, 117 U. S. 288, that it was necessary for her to have been re-admitted to citizenship when she came to the Cherokee Nation, because the court in that case decided if Indians in that State, or in any other State, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the Constitution and Laws of the Cherokee Nation, and be re-admitted to citizenship as there provided.

We desire to emphasize the point that the court in that case held that they must "be re-admitted to citizenship as there provided"

The mother of Magnolia Wilson was born in the State of Arkansas, and was therefore not a citizen of the Cherokee Nation. She married there where Magnolia Wilson was born. Clearly then it was incumbent upon her to be re-admitted upon her coming to the Cherokee Nation. The Cherokee Constitution, Article I, Section 2, provided a way in which a person may be re-admitted by memorializing the Cherokee National Council, and this does not seem to have been done in this case.

D-84, Page 2,

We submit that the name of the applicant was placed upon the 1894 and 1896 roll without authority of law, because she was born a citizen of the State of Arkansas, never admitted to citizenship in the Cherokee Nation, was never legally enrolled as such, and that she should not now be enrolled as a citizen of the Cherokee Nation by the Commission or by the Secretary of the Interior.

Respectfully submitted,

W. W. Hastings JCS
— Attorney for the Cherokee Nation. —

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-84

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 12, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application of Joseph C. Wilson for the enrollment of his minor child, Vernon Wilson, as a citizen by blood, and for the enrollment of his wife, Magnolia Wilson, as a citizen by inter-marriage of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, Houston Wilson, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof, in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-17

ATTORNEYS

I. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

~~Muskogee, Indian Territory~~

Vinita, Indian Territory, January 19th., 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed herewith find Protest of the Cherokee Nation against the Commission's decision in the matter of the application of Magnolia Wilson, et al, for enrollment as citizens of the Cherokee Nation, Cher. D--84.

Yours truly,

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-84

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1903.

W. W. Hastings,

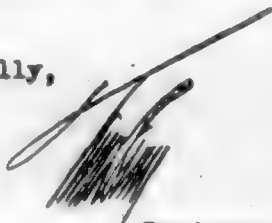
Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 12, 1903, granting the application of Joseph C. Wilson for the enrollment of his wife, Magnolia, and his minor child, Vernon Wilson, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, Houston Wilson, was affirmed by the Secretary of the Interior on February 18, 1903.

Respectfully,



Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-84.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1903.

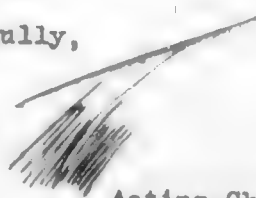
W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Joseph C. Wilson for the enrollment of his wife, Magnolia Wilson, and his two minor children, Houston and Vernon Wilson, as citizens by blood of the Cherokee Nation, together with the decision of the Commission, dated January 12, 1903, granting said application as to Magnolia and Vernon Wilson, and dismissing said application as to Houston Wilson, and the protest of the Cherokee Nation against said decision, dated January 19, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Rebuttal this case -
Woman born & married
in state of Arkansas
never admitted
in Cross-ex on
May 5, 1902 -

DR 84
IN THE MATTER OF THE APPLICATION OF

Magnolia Wilson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony, August 6, 1900
- B. Mem^o of application - " 6, 1900
- C. mem^o relative to certificate of admission
Notice of final consideration
- E. Order closing testimony, Feb. 17, 1902
- Supplemental statement, 3/13/02

4015

See Cherokee Index 800

. Cher D 85

Cher D 85

D 83

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 22 1900.

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 19, 1900.

In the latter of the application for enrollment of Clorax M. Roudinot, whose name is placed upon a doubtful card, Loucian P. Bell being sworn by Commissioner Needles testified as follows:

Q What is your name? A Loucian P. Bell.

Q Your age? A 62.

Q Your postoffice? A Vinita.

By -- Davenport, attorney for Roudinot:

Q How long have you resided in the Cherokee Nation? A About 66 years I reckon.

Q Are you a citizen of the Cherokee nation? A Yes.

Q Did you know Elias C. Roudinot, sr., in his life time? A Yes.

Q Where was he living when you first knew him? A Well his home, I suppose was at Honey Creek with his uncle Stanwatie.

Q In what district? A Delaware-- that was in '51 or '52.

Q Where did you know him from that time to his death? A I knew him about our own house-- He was a relation of ours, and about Uncle --- house. He went out of Fayetteville, Ark., and read law and the war came on and he was Major of a Confederate regiment and went to the Confederate Congress and after the war ended he came back here and took up his residence at Wet Prairie and set up a tobacco factory.

Q That was in Delaware district? A Yes.

Q Well go on if you know any more of him after that? A He got in politics after awhile and his tobacco factory stopped. He represented the Cherokee nation at Washington in '67 or '68 and then he came back here in about '70, and then he was backwards and forwards. He stayed on Honey Creek in Delaware district, but did not have any home of his own at that time.

Q You say he came back here-- that was after his mission to Washington as a delegate was over, I suppose? After he came back where did he reside, if you know? A Well, I think it was along in somewhere about '70-- I don't think it was earlier than that-- he located himself on Russell Creek on a hill this side of the Kansas line about a mile, and opened up a little patch of a farm and occupied that place there, but following that in '71 he came to town and built him a house on the ground that I occupy now. He lived there awhile, but that was a matter of business; his home was on Russell Creek.

Q Do you know whether or not he owned any ranch up there at the time of his death? A I could not say. He said he owned it-- it passed as his ranch until after his death and his widow came into possession of it and I undertook to sell it for her.

Q Do you know whether or not he ever had any residence after '67 other than the Cherokee Nation except when he was backwards and forth at Washington City on business or staying there? A I don't think he had. If he had I did not know anything about it. He stayed a great deal of his time in Washington City. Yes, the bulk of his time he was there-- he took a trip to Europe once for three, four or 5 months.

Q Do you know where his family was living at the time of his death? A On a farm in Sequoyah district is my understanding.

Q Do you know what year he died? A No sir.

Q Do you know what his name was? A Elias Cornelius.

Q What was he generally called? A Cornelius Roudinot was what we called him when a boy-- they got to calling him old Cornelius in contradistinction to young Cornelius.

By W. W. Hastings, Cherokee Attorney:

Q Do you know where Mr. Roudinot was in '80? A I think he was in Washington City.

Q Do you whether he resided in anywhere other place than Washington City and the Cherokee Nation since the war? A Not to my knowledge-- never heard of his being anywhere else except in moving about.

Q What was his occupation? A He was a lawyer.

Q As a matter of fact didn't he reside in Fort Smith, Ark., for awhile? A He said he kept a law office there.

Q Didn't he live at Fayetteville, Ark? A He stayed there some 3 or 4 years-- ran a newspaper. This some 12 or 18 months while he was in the study of the law as I understand it.

Q Is it a fact that because of the advanced political opinion he entertained it was not safe for him to actually reside in the Cherokee Nation? A He believed that as strong as any man could believe and that was what kept him out, though I don't believe he was in any danger of getting killed.

Q That accounts perhaps for his not being on the '80 roll? A More than likely.

By the Commission:

Q Did he live in the Territory in '80? A Only just a residence that he kept here and came there about once or twice a year. He kept a man up there on it and I think he had some stock on it.

Q Where did he actually reside-- was he married in '80? A No sir, I think not. He never had any home anywhere else besides here-- if he did not have one here, he did not have any at all.

Q Do you know whether his name is upon the '96 roll? A He died before that.

L. P. ISBELL, being sworn testified:

Q What is your name? A L. P. Isbell.

Q What is your age? A 58.

Q Your postoffice? A Vinita..

Q Are you a recognized citizen of the Cherokee Nation? A Yes, by intermarriage.

Q Did you know Cornelius Boudinot, Sr., in his lifetime? A Yes.

Q About what year did you become acquainted with him, if you know?

A It was either '68 or '69 when he ran a tobacco factory on Wet prairie.

Q That was in Delaware district? A Yes.

After that time? A I didn't know anything about him after that until about '73 I knew of him having his place on Russell creek, and I knew of him having his hotel here in Vinita and a little house south of town here.

Q Do you know whether he owned any property here at the time of his death? A He owned the Russell Creek place and the hotel-- it had been torn down, and the other building was in litigation.

CAROLINE BOUDINOT, being sworn, testified:

Q What is your name? A Caroline Boudinot.

Q Your age? A 70.

Q What is your postoffice address? A Port Gibson just now.

Q Are you a citizen of the Cherokee Nation? A Yes.

By Mr. Davenport:

Q Were you acquainted with Cornelius Boudinot, Sr., during his lifetime? A Yes.

Q How long did you know him before his death? A He came to us when he was 19 years old as soon as he could leave New England and come home, as he expressed it.

Q Where were you living? A At Tahlequah.

Q Was there any others of the family came with him? A No sir.

Q Had Cornelius Boudinot, Sr., a brother living at the time he came to you? A Yes, one younger than himself, Frank.

Q Do you know that in '52 Frank and Cornelius were minors under age?

A He came in '53 and he was 17 years old.

Q Do you know his mother's name? A His mother was Harriett Gold and his step-mother was Delight Sargent.

Q Do you know whether or not there was any other Cornelius Boudinot living in '53 ~~was~~ who was a citizen of the Cherokee Nation? A No sir.

Q Later on there was another Cornelius Boudinot? A Yes, my son came the next year, '54.

Q Was he named for Cornelius Boudinot, Sr., & A Yes, and was called junior.

Q Do you know whether Cornelius Boudinot, Sr., had any other home than the Cherokee Nation than Washington in '53? A He had a law office in Fort Smith. He was there with his wife a short time.

Q That was after he was married? A Yes.

Q Do you know what year he was married? A No sir, I could not testify to that.

Q It was after '80? A Yes.

Q Do you know whether or not he had any property in the Cherokee Nation in '80? A He had the property that I always called the Chetopah property.

Q Well do you know where he was in '80, Mrs. Boudinot? A He made his home with his uncle Stanwistle before that time.

Q Do you know whether he was in Washington City or in the territory or somewhere around the border practicing law? A I think he was in Washington City, but cannot testify to it.

Q Do you know what year he died? A '88 or '89.

Q Do you know where his family was living at the time of his death?

A His wife was at Fort Smith, but I don't know whether they had their home there or not-- they had bought a place in Sequoyah district. He died in Fort Smith, but he was not at home.

By the Commission:

Q Where was he born? A In the old Cherokee Nation.

Q He was a Cherokee by blood? A Yes.

Q What degree of blood did he have? A His mother was white; his father was almost a full-blood. His grand-mother was a half-breed, but his grand-father was a full-blood; that gave his father three parts Cherokee, and his mother a white woman, that made him about 3/8.

FRANK BOUDINOT, being sworn, testified:

Q What is your name? A Frank Boudinot.

Q What is your postoffice address? A Fort Gibson.

Q Your postoffice address? A Fort Gibson.

Q What is your age? A 34 years.

By Mr. Davenport:

Q Did you know Cornelius Boudinot, Sr.? A Yes, he was my uncle.

Q Where was he at the time you first knew him? A When I first ~~knew~~ ~~remember~~ he was living in Washington City.

Q What year was that? A Back in the '70's.

Q Do you know whether or not he owned any property in the Cherokee Nation? A Yes, he owned property above Vinita.

Q Tell what property he owned and where he stayed, and where the property was situated, and where Cornelius Boudinot, Sr., was living at the time of his death? A After he came back from Washington, which was in '80 sometime, he opened a law office in Fort Smith, and bought a lot there and occupied it about a year and sold it and gave boot for a farm in Sequoyah district at Paw-paw. I always understood that was his home up to the time of his death, but he died in an office.

Q Do you know what year he died in? A '90.

(Certificate filed marked Ex. A.)

4

The undersigned, being first duly sworn, states that as stenographer to the Commission he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

McDonnell

Subscribed and sworn to before me this 22nd day of September, 1900.

[Signature]

Commissioner.

1095

[Handwritten signature]
Data recorded, Indian

DEPARTMENT OF THE INTERIOR,
COMMISSION OF THE FIVE CIVILIZED TRIBES
FILED
MAR 23 1902

ACTING CHAIRMAN

[Handwritten signature]
Commissioner.

[Handwritten signature]

the testimony in this case.

It is ordered that copies of this statement be filed with
file in the office of this Commission.

Copies of the certificates heretofore shown are on
stated.

Bonding for 1880, 1882 and 1886, and amounting in all to amounts
forty-eight (\$48.00) dollars, being the capital claims of said

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Clara M. Boudinet, as a citizen of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

On the 19th day of September, 1900, there was filed with the Commission to the Five Civilized Tribes, a certified copy bearing date of August 26, 1900, of a record on file in the Executive Office of the Cherokee Nation, at Tahlequah, Indian Territory, wherein it is shown that the name "Cornelius Boudinet", was on the payroll of Emigrant Cherokees for Delaware District, Cherokee Nation, made in 1852, page 205.

On the 25th day of September, 1900, there was filed with this Commission a certified copy, bearing date of August 22, 1900, wherein it is shown that the name "Boudinet, Clara M. age 37, Fem.", appears as #26 on the census roll of Sequoyah District, Cherokee Nation, made and revised by Council in the year 1896, and on that part of said roll whereon only white adopted citizens are enrolled, as white adopted citizen of said District and Nation: And that the said name "Boudinet, Clara M.," appears also on census rolls of said Sequoyah District taken in the year 1896.

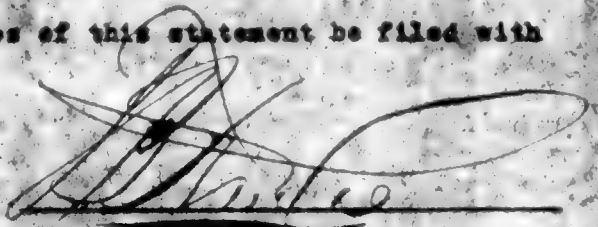
On the 28th day of February, 1900, there was filed with this Commission, a certified copy bearing date of January 8, 1901, in which it is shown, by the records in the Executive Office, Cherokee Nation, at Tahlequah, Indian Territory, that Senate Bill No 51 passed by the National Council of the Cherokee Nation at the regular Session of 1888, and approved by the Principal Chief on December 8, 1888, entitled "An Act making an appropriation for the payment of claims registered by the Auditor of accounts, and the Committee on claims," appropriated for E. C. Boudinet, Sr., the amount of

C D 55 - 2 -

forty-eight (\$48.00) dollars, paying per capita claims of said Houdinet for 1880, 1883 and 1886, and amounting in all to amounts stated.

Copies of the certificates heretofore shown, are on file in the office of this Commission.

It is ordered that copies of this statement be filed with the testimony in this case.



Commissioner.

Date: 1/3/1887
Data: Houdinet, Indian (1887)

D 85

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900



ACTING CHAIRMAN.

W. L. Hoot



RECEIVED

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6, 1900.

In the matter of the application of Clara M. Boudinot for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles she testifies as follows:

- Q What is your name? A Clara M. Boudinot.
Q What is your age? A I was born in fifty-nine.
Q What is your post-office address? A Paw Paw, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Your name appear upon the rolls? A Yes sir.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Over twelve years.
Q Have you lived continuously in the Cherokee Nation there? A Yes sir.
Q What is the name of your father? A A. P. Mincar.
Q What is the name of your mother? A Lucretia.
Q She living? A Yes sir.
Q Her name upon the rolls of the Cherokee Nation? A No sir.
Q Do you apply as a Cherokee citizen by blood? A No, adoption.
Q Are you married now? A No sir.
Q What was your husband's name? A Elias G. Boudinot.
Q Is he living? A No sir.
Q Does his name appear upon the 1880 authenticated roll? A I don't know.
Q 1890 roll, page 1111 #26 Clara M. Boudinot, Sequoyah Dist. Have you any certificate of marriage? A Yes sir. (Produces certificate.)
Q Com'r Needles: Clara M. Boudinot presents certificate of marriage certifying that she was married in the District of Columbia on the 16th day of April in the year 1888 to Colonel Elias G. Boudinot, said certificate is signed by B. Sunderland, Pastor of the First Presbyterian Church; it appears to be in due form, said marriage being solemnized in the City of Washington, D. C.
Q Have you any children? A No sir.
Q Where was the actual residence of Col. Boudinot at the time of his death? A Paw Paw, Cherokee Nation.
Q What district is that in? A Sequoyah district.
Q How long had he lived there permanently before his death? A We got that farm in 1888 and he died in 1890.
Q We had been living there two years? A Yes sir, but previous to that, remember that he held his residence before we got that farm at his ranch near Vinita for twenty years, located what he called his ranch near Vinita and had his books and furniture there for twenty years before he died.
Q How long did you live within the Cherokee Nation before he died? A I don't know; we would be together five or six weeks and he would go away to attend to his law practice for two or three weeks and come back and stay two or three days and go away again.
Q Where did you live all that time? A On his farm at Paw Paw.
Q You were married in 1888? A Yes sir.
Q When you were married you were married in Washington? A Yes.
Q And then did you come direct to the Cherokee Nation? A No sir, to Arkansas.
Q How long did you live in Arkansas? A About a year.
Q That would bring you about 1886 or 1887? A Yes sir.
Q And then you moved into the Territory? A Yes sir.
Q And you yourself have lived continuously in the Territory since 1887? A 1888.
Q And then while you held his residence he was not living backwards and forwards to Washington and everywhere else? A Yes sir.

Edward H. Boudinot #2

Comr. Hedges: Upon examination of the rolls now in the possession of this Commission the name of Colonel Elias C. Boudinot is not found. Final judgment as to the Applicant is suspended awaiting proof as to the citizenship of her husband, Elias C. Boudinot, his name not being upon any of the rolls now in the possession of this Commission.

H. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing and that the foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of August 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Clara M. Boudinet, as a citizen of the Cherokee Nation.

On the 6th day of August, 1900, Clara M. Boudinet
appeared before the Commission to the Five Civilized Tribes, and
made application for the enrollment of herself as a citizen by
intermarriage of the Cherokee Nation.

At the conclusion of the testimony offered at that time,
the name of Clara M. Boudinet was placed upon a "doubtful" card for
the purpose of further establishing her legal status, which has
proven satisfactory, and the following decision is rendered:

D E C I S I O N
8-8-8-8-8-8

From all the evidence of record in this case, it appears
that Clara M. Boudinet, at the time of this application, was 41 years
of age. She is identified upon the Cherokee census roll of 1896, as
an intermarried white.

It further appears that she was married on the 16th day of
April 1888, to Elias C. Boudinet, Sr., and the said marriage took
place in the city of Washington, D. C. Subsequent to her marriage
she and her husband lived in the State of Arkansas for a period of
about one year, when he returned to the Indian Territory with his
wife in the year 1888.

The testimony shows that Elias C. Boudinet, the deceased
husband of Clara M. Boudinet, was born in the old Cherokee Nation,
and possessed about 3/8 Cherokee blood. He died in 1890. He is not
identified on any of the tribal rolls of the Cherokee Nation, in the

Cherokee D 88 - 2 -

possession of the Commission. At the time of the taking of the authenticated tribal roll of 1880, he was in the city of Washington, D. C., thus explaining the absence of his name from that roll.

The testimony also shows that for a brief period subsequent to 1880, and prior to his death which occurred in 1890, as hereinbefore shown, he practiced his profession, and had his office in Fort Smith, Arkansas; the testimony of the witnesses, also of the applicant in this case, disclaims any intention upon his part to relinquish citizenship in the Cherokee Nation. The aforesaid Elias C. Boudinot, possessed at the time of his death interest in lands and improvements in the Cherokee Nation, and for twenty years prior to his death, he was a property holder in said Nation.

It further appears that the said Elias C. Boudinot was identified on the pay roll of the Emigrant Cherokees for Delaware District, Page 205, made in 1852.

It is a well settled principle of law that every man has a residence somewhere, therefore, residence having been once acquired it remains until established elsewhere. That Elias C. Boudinot had a residence in the Cherokee Nation prior to 1880 is clearly shown. The evidence tends to show that he never relinquished his identity as a resident or citizen of the Cherokee Nation, and his absence from time to time was due to business of a legal and personal character, and when absent from the Cherokee Nation the intention to return was ever present, as evidenced by his periodical visitations thereto.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the provision of the Act of Congress approved June 28, 1898. (30 Stats. 495, Section 21).

As shown by the testimony Elias C. Boudinot resided in the Cherokee Nation at the time of the making of the Emigrant roll in 1852, hereinbefore shown, and acting as a representative from time to time for the Cherokee Nation, and his absence from the

Cherokee D 22 - 3 -

Cherokee Nation is now claiming the non-identity on roll; it is considered in view of the law and facts in this case, that Clara H. Boudinet, a white woman, being the second wife of Elias S. Boudinet, is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Waskagee, Indian Territory,

this MAY 20 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee, I. T. June 3rd 1902.

No. Cherokee D 85.

In the matter of the application of Clara M. Boudinot for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Protest of the Cherokee Nation.

The Cherokee Representative desires to protest against the decision of the Commission rendered in this case on May 30th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that the applicant Clara M. Boudinot is a white woman, that she married Elias C. Boudinot Sr., in the City of Washington D. C. on the 13th day of April 1883, and her right to to enrollment as a citizen of the Cherokee Nation clearly depends upon the right of her husband would have to be enrolled as a citizen of the Cherokee Nation if he were living.

The testimony shows that he died ~~in 1890~~ 1890. In case the law would not permit the Commission to enroll Elias C. Boudinot Sr., if he were living certainly it would not permit the enrollment of his white wife who acquired her rights through him. The testimony shows that the name of Elias C. Boudinot Sr., does not appear upon any of the rolls of the Cherokee Nation although he did not die until 1890 and we therefore contend that under the act of May 31, 1900 if Elias C. Boudinot Sr., were living and present him self for enrollment that the Commission would have no jurisdiction over his case and would not be permitted under the law to receive consider or make any record of his application or to hear any testimony with reference to his right to be enrolled. The commission gets its jurisdiction over a case when the name of the applicant appears upon some roll, but it is conclusively shown from the testimony that the name of applicants husband does not appear upon any Cherokee roll.. The Emigrant pay roll of 1852 was not a Cherokee roll but a roll made by the United States to pay certain Emigrant Cherokees and their descendants who

came to the Cherokee Nation under the treaty of 1835 and they were not necessarily citizens of the Cherokee Nation in 1852 as many of them at that time were non residents and had forfeited their citizenship in the Cherokee Nation.

In case this Commission can go back to ~~the~~ a government roll of 1852, it can go back to every old roll made by the Government of the United States since the first treaty was made with the Cherokees in 1735, and this would open up the entire question of citizenship in the Cherokee Nation. Congress intended by the act of June 10, 1896 to permit all persons to apply for admission to citizenship in the Cherokee Nation and if Elias C. Boudinot Sr., had been living in 1896 he could have applied to the Commission for admission to citizenship under that act. If the Secretary of the Interior determines that the Commission can go back to the 1852 Emigrant roll in order to acquire jurisdiction then this commission has the same jurisdiction now to hear applications for ~~admission to~~ admission to citizenship in the Cherokee Nation, to take proof as to blood and residence of any applicant as it had in 1896, the whole question is open but we contend that Congress intended by Section 21 of the Curtis bill to have the Commission make a roll of the already recognized citizens of the Cherokee Nation whose name appears upon some roll beginning with the authenticated roll of 1880 and subsequent to that time..

The authenticated roll of 1880 was taken as a starting point. It was a roll made and authenticated by the Cherokee Nation. The Act of May 31, 1900 absolutely forbids the Commission from hearing an application of any one whose name does not appear upon some roll, made by the Cherokee Nation and it names the authenticated roll of 1880 or some roll made subsequent to that time. Now the Commission is in possession of the 1880 roll, 1883 roll, 1886 roll all made by the Cherokee Nation and the name of Elias C. Boudinot Sr does not appear upon any of them, and we submit that if Elias C. Boudinot Sr were living and he was not entitled to enrollment as a citizen of the Cherokee Nation that Clara M. Boudinot his widow whose rights depend upon his is now now entitled to be enrolled.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

C. W. BETHELL,

DEALER IN

STAPLE & FANCY GROCERIES, FINE TOBACCO.

WHOLESALE FLOUR AND FEED.

MULDROW, IND. TER. 2/4 1901.

N. W. Hastings Esq.
Miss Koger Esq.
Friend Will

Answering your
favor of the 1st inst. with
reference to the residence
of Mrs E. B. Boudinot will
say: as far as I know person-
ally and from the best infor-
mation gotten from her
and other citizens she has
lived continuously on her
farm since she 1st moved
upon it and lives there now.
I have heard that she was
married to Elias Dr in Washington.
If this be true the ~~proper~~ proper
evidence of the fact might de-
feat her claim to enrollment.
What is being done by the Com-
with cases where Cherokee citizens
lived in other Ind. Nations?

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. 25.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 21, 1892.

W. W. Hastings, Esq.,

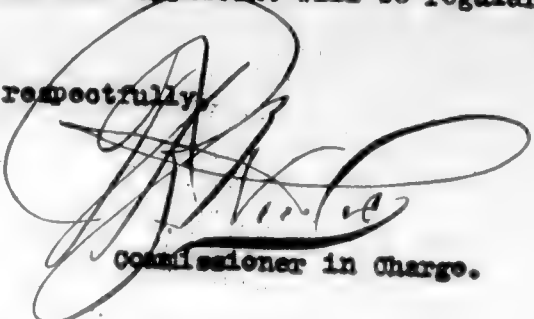
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Clara M. Boudinot for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,


Commissioner in Charge.

Encl. D-25.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-88

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 29, 1908.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20th, 1908, granting the application of Clara M. Boudinot for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 21st day of July, 1908.

Respectfully,



Commissioner in Charge.



M. W. Hastings

Muskegon

Ind.

205

270 85
IN THE MATTER OF THE APPLICATION OF

Clara M. Boudinot

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 6, 1900
B. Mem^o of application - " 6, 1900
C. Additional testimony - September 19, 1900
D. Certificate identifying Charles Boudinot on Pay Roll - Em. labor
E. " " Clara M. Boudinot on Census Rolls - 90 & 94

F. Act by Council appropriating money to

E. C. Boudinot Jr.

Rec^d for copy of testimony

~~Notice of final consideration~~
~~in manner herein~~

8. Closing order filed 3/10/02

9. Marriage ~~off~~ filed 3/10/02

10. Supplemental statement, 3/10/02

Aug 25, 1902. Transferred to
Cherokee Card No 9453.

Cher D 86

Cher D 86

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 8, 1900.

In the matter of the application of William D. Adair et al for enrollment as citizens of the Cherokee Nation; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A William D. Adair.
Q What is your age? A Thirty-one.
Q What is your post-office? A Sallisaw.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Six years.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is your father's name? A Thumalocky Adair.
Q Is he living? A No sir.
Q He died about two years ago.
Q What is your mother's name? A I think they put it down Maggie Adair. She has been dead about fifteen years.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susan.
Q Is she a Cherokee citizen by blood? A Yes sir, she is Cherokee.
Q What was her name before you married her? A Susan J. Brackett.
Q Have you any children? A Yes sir.
Q What are their names? A Thomas, five years old; Jason G., three years old; Lujan, nearly two years old.
Q Have you got a marriage certificate? A No, I married according to Cherokee law.
Note: 1890 roll omitted and for applicant, page 348 354 Wm. Adair Flint District.
1894 roll, page 1049 513 William Adair, Sequoyah District.
1894 roll, page 896 511 Willie Adair, Flint District.
1896 roll, page 1049 510 Susie J. Adair, Sequoyah District.
1894 roll, page 519 4267 Susan J. Adair Brackett, Flint District.
1896 roll, for children; page 1049 420 Thomas Adair, Sequoyah Dist.
Q A certificate of citizenship is presented issued by the Commission on Citizenship at Tahlequah dated 15th day of August 1899 signed by William P. Ross, Chairman of the Committee on Citizenship attested by J. D. Williams, Clerk of the Committee, approved and indorsed by J. B. Hayes, Principal Chief of the Cherokee Nation under the great Seal of the Cherokee Nation, certifying that Susan J. Brackett was admitted to citizenship on the 15th day of August 1899; is this Susan J. Brackett mentioned in this certificate your wife and the identical woman that you apply for here?
A Yes sir.
Q Was she a citizen a resident of the Nation on the 15th day of August 1899? A Yes sir.

Com'r Needles: The name of William D. Adair appearing upon the authenticated roll of 1899 as well as the census roll of 1894 and the pay roll of 1894, he being fully identified thereby, and having made proof of his residence, is listed for enrollment by this Commission as a Cherokee citizen by blood. His wife, Susan J. Adair, to whom he was married in the year 1894, her name appears upon the certificate of admission as described in the testimony, and her name also appears upon the census roll of 1899 and the pay roll of 1894, and previous been made as to her residence but now comes the representatives of the Cherokee Nation and object to the final enrollment of said Susan Brackett as a Cherokee citizen by blood, but not as a Cherokee citizen by marriage.

William D. Green, et al.

And the name of his child various before found under the roll of 1890 and being duly identified thereby, shall be listed for service as a Thorpe citizen by blood, and also his two children, sons and daughters, who were born after the roll of 1890 was compiled. Any subsequent children are not upon said roll, they will be listed for enrollment as Thorpe citizens by blood when proper proof of birth is filed with the commission.

M.D. Green being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of August 1900.

M.D. Green
[Signature]
Clerk of the Commission.

1286

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 3 1902

ACTING CHAIRMAN

"R"

Cherokee D 86.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 16, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Susan J. Adair, for the enrollment of herself as a Cherokee citizen.

Appearances:

James M. Huckleberry, Sr., Sallisaw, I. T., attorney
for applicant.
Daniel Brackett, relative.
W.W. Hastings, attorney for the Cherokee Nation.

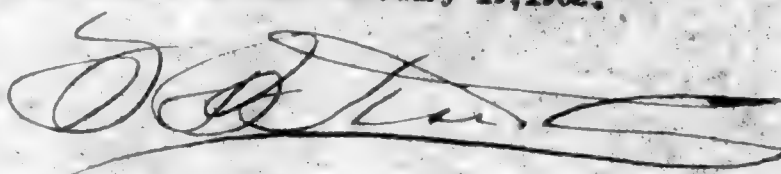
BY COMMISSIONER: Attention is called to the certificate
filed in the matter of the application of Daniel Brackett
Cherokee Doubtful case No. 82, showing that Susan J. Brackett
the applicant in this case, was admitted to citizenship
on the 15th day of August, 1889, by the Cherokee Commission
on citizenship. She was 14 years of age at that time.
A copy of said certificate is filed with this case.

- Q Do you submit this case to the Commission for final consideration?
MR. HUCKLEBERRY: Yes sir yes sir.
Q Do you submit this case, Mr. Hastings?
MR. HASTINGS: Yes, sir.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

Chero. B-86.

Certificate of Admission to Cherokee Citizenship.

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation.

To all whom it may Concern - Greeting:

This is to certify, That the following named, to-wit: Daniel Brackett aged forty-four years, Emily Brackett aged seventeen years, Willey H. Brackett aged sixteen years, Susan J. Brackett aged fourteen years, Martha S. Brackett aged twelve years, did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 5th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 8 day of Oct. 1887; that the proof submitted by the above named applicants in support of the said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council and of the amendment thereto, dated February 7th, 1887, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named persons (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 8, Article 1, of the Constitution of the Cherokee Nation upon the terms and conditions set forth in the Act of December 5th, 1886, entitled "An Act Creating a Commission on Citizenship," to-wit:

"That all persons to whom Certificate of Citizenship shall be issued by the decree of the Commission created by this Act, shall be required as a condition precedent to the delivery of said certificates to return to, and permanently locate within the limits of the Cherokee Nation, and it shall be further the duty of all such persons to enroll their names, with the names of their families (if any such), at the date of their arrival within the limits of the Nation, in a book to be kept for that purpose in the office of the Principal Chief, and no Certificate of Citizenship issued by said Commission shall entitle an applicant for admission into the Nation for (not) a longer period than one year from its date, who shall fail to become a bona fide citizen within that period."

And this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said persons accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the sixteenth day of August 1888.

Will. P. Ross

Chairman Com. on Citizenship.

Attest: D.S. Williams

Asst. Clerk Com. on Citizenship.

(SEAL)

Approved and endorsed:

J. B. Mayes

Principal Chief C.N.

O. J. Harris

Asst. Ex. Sec'y.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1902.

Notary Public.

1. The Commission has been in the process of

the United States of America, and in the United States

the United States of America, and in the United States

the United States of America, and in the United States

the United States of America, and in the United States

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DEPARTMENT OF THE INTERIOR

C. D. 66

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Susan J. Adair, as a citizen of the Cherokee Nation.

SUPPLEMENTAL STATEMENT
BY THE COMMISSION.

There is on file in the office of the Commission to the Five Civilized Tribes, a certificate of admission to Cherokee citizenship, issued from the Office of the Commission on Citizenship, Tahlequah, Cherokee Nation, bearing date 15th day of August, 1899, signed by Will P. Ross, Chairman Commission on Citizenship, and approved by J. B. Mays, Principal Chief, Cherokee Nation, wherein, among others, there was admitted to citizenship Susan J. Brackett, age at that time 14 years.

The original certificate, from which this information is derived, is filed in the case of Susan J. Adair, nee Brackett's father, Daniel Brackett, in case known as "C. D. No 82," and which is on file in the office of this Commission.

It is directed that copies of this statement be filed with the testimony in this case.

Dated at Muskogee, Indian Territory,
this 12th day of March, 1902.

Elia Mielens, as stenographer to the Commission to the Five Civilized Tribes, states that the above is a true and complete transcript of her stenographic notes in this statement.

Elia Mielens

Cherokee D 86

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Adair for the enrollment of his wife Susan J. Adair, as a citizen by blood of the Cherokee Nation.

DECISION.
8-8-8-8

The record in this case shows that on August 8, 1900, William D. Adair appeared before the Commission at Ballisaw, Indian Territory, and then and there made personal application for the enrollment of his wife Susan J. Adair, as a citizen by blood of the Cherokee nation. The application also included William D. Adair and his minor children Thomas, James C. and Lajeau Adair, but as they are listed on Cherokee Roll Card Field No. 1008, their case is not passed upon at this time.

The evidence in this case shows that Susan J. Adair, nee Brackett, was admitted to citizenship in the Cherokee Nation on the 16th day of August, 1899. She was married to William D. Adair in the year 1894, and is identified on the Cherokee Census Roll of 1896 as "Susie J. Adair." The evidence is not clear as to the question of her residence between the 16th day of August, 1899, and her marriage in 1894, but it is considered that she has been a continuous resident of the Cherokee Nation from the date of said marriage up to and including the date of this application.


The authority of the Commission herein is defined in Par. 1, sec. 21, of the Act of Congress, June 23, 1898. (30 Stats., 495).

It is the opinion of this Commission that Susan J. Adair is lawfully entitled to be enrolled as a citizen by blood of the

Sherokee D 84 - 2 -

Sherokee Tribe of Indians in Indian Territory, and that the application for her enrollment as such should be granted, and it is therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. H. Thompson,
Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 86.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

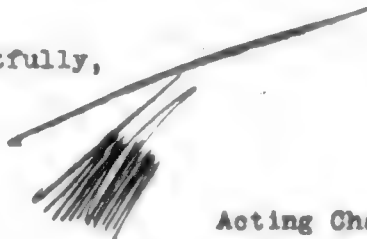
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William D. Adair for the enrollment of his wife, Susan J. Adair, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 65.

THE MATTER OF THE APPLICATION OF

Susan J. Adair

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 6, 1900

B. Memo of application 6, 1900

C. Notice for final consideration

Supplemental testimony and
order closing testimony 2/17/02

D. Supplemental statement 3/12/02

For record
to Cherokee
No 41-4

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287
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 15 1900



ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 8th, 1900.

In the matter of the application of William M. Wilson et al
for enrollment as Cherokee citizens; being sworn and examined by
Commissioner Kniskernridge, testifies as follows:

Q What is your full name? A William M. Wilson.
Q What is your age? A About 44.
Q What's your post-office? A Sallisaw.
Q What's your district? A Sequoyah.
Q How long have you lived in this district? A About 1 1/2 years.
Q Where did you live before that? A In Illinois district.
Q How long did you live there? A I lived there 3 years.
Q Where did you live before that? A Flint.
Q How long did you live in Flint? A 4 or 5 years.
Q Where did you live before that? A In Georgia.
Q Now for whom do you apply for enrollment at this time? A My
wife and two children.
Q Do you apply for yourself? A I don't know about myself, I am
adopted.
Q When were you married? A Was married in - (handing paper)
Q For whom then do you apply for enrollment? A Myself, wife and
two children.
Q Do you apply as a Cherokee by blood? A No sir.
Q Or by intermarriage? A By intermarriage.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q Is your wife on any of the rolls of the Cherokee Nation? A Yes
sir.
Q What is her name? A Elm.
Q What was her name before you married her? A Brackett.
Q Was she admitted to citizenship by the action of the Cherokee
authorities? A Yes sir.

You present here, Mr. Wilson, a certificate of admission to
Cherokee citizenship. It is signed by Will P. Ross, Chairman of the
Committee, attested by D. S. Wilson, Assistant Clerk of the Committee
and approved and endorsed by J. B. Hayes, Principal Chief of the
Cherokee Nation and put under the great seal of the Nation, to the
effect that on the 16th day of August, 1889, among others, Emily
Brackett, aged 17 years, was admitted to citizenship.

Q Is that your wife? Yes sir.
How old do you say that your wife is now? A About 28, I guess.

Your wife's name is duly identified on the certificate which
you have presented and it is returned to you.

Q You say you apply for citizenship by intermarriage? A Yes sir.

You present here, Mr. Wilson, an official copy of a duly
authenticated marriage license, issued Sept. 7th, 1894, by W. E.
Whitsett, Clerk of Sequoyah District, authorizing the marriage be-
tween yourself and Miss Elm Brackett under Cherokee law. The
certificate shows that this marriage was duly consummated on the
15th of Sept. 1894 and duly recorded in the Clerk's office. This
will be filed with your application.

Q I suppose you are on the roll of 1896? A Yes sir, I suppose so.
Q Give the names of your children. A Sarah Savannah.
Q How old is that child? A 5 years old.
Q What's the next child? A Daniel M.
Q How old is he? A 3 years old.
Q Is he on the roll of 1896? A I don't know; seems like I had
him put on. I forget.
Q Are those children both living at this time? A Yes sir.
Q Your wife is living at this time? A Yes sir.

Q You and she living together? A Yes sir.

Q Lived together ever since you were married? A Yes sir.

1886 roll; Page 937, #223, William Wilson, Illinois Dist.

1886 roll; Page 938, #2237, Dan Wilson, Illinois Dist.

1886 roll; Page 938, #2238, Sarah S. Wilson, Illinois Dist.

This child, Daniel H., is too young to be on any of the rolls and you will have to identify that child by having properly filled out a certificate of birth. Form will be given you here.

Q Mr. Wilson, what do you know about where your wife lived after she was admitted as shown in the certificate in 1889? (No answer)

Q How long have you known her? A All my life almost.

Q Where did she live 5 years before you married her? A I think in Flint part of the time and in Illinois part of the time.

Q How long have you known her in the Nation? A Ever since she came here.

Q Your evidence shows that you haven't been here yourself but 8 1/2 years? A I must have been mistaken; didn't get at it right when you spoke of it.

Q Well how long do you mean to say you have been in the Cherokee Nation? A About 16 years.

Q Where were you before that 4 years you spent in Flint? A I was in Flint most of the time until I moved to Illinois.

Q Have you lived continuously in the Cherokee Nation for the past 16 years? A Yes sir, except 6 months in the Choctaw Nation.

Q Tell me as briefly as you can where you have lived in the Cherokee Nation during those 16 years? A I could not tell you exactly, I lived most of the time in Flint, 3 years in Illinois and the rest of the time down here in Sequoyah, about 1 1/2 years.

Q All the time of the time you lived in Flint except your little visit to the Choctaw Nation? A Yes sir.

What carries you back behind 1889 when the certificate shows your wife was admitted to citizenship here.

Q Did you know her here in the Nation in 1889? A I reckon I did, if she was here; and I guess she was here.

Q I want to find out whether or not it is a fact that when your wife was admitted in 1889, she went on and lived here in the Cherokee Nation or whether she lived some where else? A She lived here all the time.

Q Where did she live in 1889, 11 years ago? A I don't remember.

Q When did she come from Georgia? A I don't remember what year it was. I have a bad recollection.

Q You know her back in Georgia? A Yes sir.

Q You came from Georgia about 16 years ago? A Yes sir.

Q Did she come after you did? A Yes sir, good while after I came.

Q Do you remember when she first got here from Georgia? A No I don't remember what year or what date.

Q Do you remember that you knew it when she did come? A Yes sir, I come and helped them move.

Q Where did you meet them? A The other side of Ballisaw.

Q You know whether that was about the time she and the other members of her family were admitted to citizenship; before that move or after that? A I don't remember whether it was before or afterwards.

Q Has she lived there ever since that time? A Yes sir ever since.

Q You and she have lived together ever since you were married? A Yes sir.

Q And lived in the Nation? A Yes sir.

Mr. Hutchings, representative of the Cherokee Nation, states that the Nation has received notice to-day of evidence that the admission by the Citizenship Commission of Emily Brackett was fraudulently and fraudulently obtained, and desire that judgment be

suspended in this case until that evidence can be investigated and brought before the Commission.

Con'r. Brockbridge:

Mr. Wilson, the admission of your wife to citizenship is duly authenticated by the certificate of admission, dated Aug. 1st, 1898, as cited in the testimony. Your marriage to her in 1894 under Cherokee law is duly established by the marriage license and certificate of marriage filed with your application. Your child, Sarah A., is duly identified on the roll of 1896 and you and your wife are both identified on the roll of 1896. Your child, Daniel H. Wilson, is too young to be on any roll. It is testified that both of these children are living at this time and living with you and that you and your wife are living together, and have so lived ever since your marriage. Now you will be furnished with a blank form of a certificate of birth for your youngest child. It is desired that you have that certificate properly filled out and duly attested and that you supply this Commission with that certificate in that form. Now, as you are now the representative present of the Cherokee Nation has requested that this case be held up for the present in order that inquiry may be made into the admission to citizenship of your wife on Aug. 16th, 1898. For the present, your application for yourself and all the members of your family, including your wife, will be placed upon a doubtful card, and the decision of the Commission will be held in suspense. If there is any evidence produced attacking the ~~admission~~ admission of your wife to citizenship that seems to need attention on your part or in her behalf, you will be given due notice so that both sides may be heard and the decision of the Commission when finally rendered will be made known to you at your present post-office address and then it will be forwarded to the Secretary of the Interior for his approval.

Edward G. Rothenberger, being duly sworn by Cordas and a stenographer as stenographer to the Commission to the Five Civilized Tribes, he reports in full the testimony of the above named witness, William A. Wilson, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger.

Sworn to and subscribed before me this 21st day of August, 1900.

Commissioner.

Cheney
9444

CONFIDENTIAL

Subscribed and sworn to before me this February 10, 1965.

That the said stenographic notes were taken by
testimony and were taken in this case and that the foregoing is a
certification to the fact that the said stenographic notes were
taken by the said stenographer and that the stenographer is the
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CHAS. D. B.

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Cherokee D 87.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of William M. Wilson et al for enrollment as Cherokee citizens.

Appearances:

Mr. James H. Huckleberry, Sr., Ballisaw, I.T., Attorney for applicants;

W.W. Hastings, attorney for the Cherokee Nation.

MR. HUCKLEBERRY: All we want to do is to refer to that admission there.

BY COMMISSION: Attention is invited to the certificate from the Cherokee Commission on citizenship showing that the applicants were wife, Emily Wilson, was admitted to citizenship in the Cherokee Nation on the 18th day of August, 1889, by an act of the Cherokee Commission on citizenship; she is identified in said certificate as Emily Brackett, at that time 17 years old.


Q Do you submit this case to the Commission for final consideration? A MR. HUCKLEBERRY: Yes sir.

Q Do you submit, Mr. Hastings? A Mr. Hastings: A Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

Subscribed and sworn to before me this 15th day of March, 1968.

Given and signed the same in presence of the undersigned, a Notary Public for the State of California, and the same being duly sworn, subscribed and signed before me as aforesaid.

Notary Public
O. J. HARRIS

My Comm. Expires
1970

Approved and signed:

Victor J. Williams

Chairman, Commission on Citizenship

Attest:
Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Commission on Citizenship at the City of Los Angeles, California, this 15th day of March, 1968.

By the Commission on Citizenship, I, Victor J. Williams, Chairman, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Commission on Citizenship.

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Commission on Citizenship at the City of Los Angeles, California, this 15th day of March, 1968.

By the Commission on Citizenship, I, Victor J. Williams, Chairman, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Commission on Citizenship.

Certificates of Admission to Cherokee Citizenship.

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation.

To all whom it may Concern - Greeting:

This is to certify, That the following named, to-wit: Daniel Brackett aged Forty-four years, Emily Brackett aged seventeen years, Willey P. Brackett aged sixteen years, Susan J. Brackett aged fourteen years, Martha S. Brackett aged twelve years, did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 3 day of Oct. 1887; that the proof submitted by the above named applicants in support of the said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council and of the amendment thereto, dated February 7th, 1887, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named persons (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Article 1. of the Constitution of the Cherokee Nation upon the terms and conditions set forth in the Act of December 5th, 1886, entitled "An Act Creating a Commission on Citizenship," to-wit:

"That all persons to whom Certificate of Citizenship shall be issued by the decree of the Commission created by this Act, shall be required as a condition precedent to the delivery of said certificates to return to, and permanently locate within the limits of the Cherokee Nation, and it shall be further the duty of all such persons to enroll their names, with the names of their families (if any such), at the date of their arrival within the limits of the Nation, in a book to be kept for that purpose in the office of the Principal Chief, and no Certificate of Citizenship issued by said Commission shall entitle an applicant for admission into the Nation for (not) a longer period than one year from its date, who shall fail to become a bona fide citizen within that period."

And this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said persons accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the sixteenth day of August 1889.

Will. P. Ross

Chairman Com. on Citizenship.

Attest: D.S. Williams

Asst. Clerk Com. on Citizenship.

(SEAL)

Approved and endorsed:

J.B. Mayes

Principal Chief C.N.

C. J. Harris

Asst. Ex. Sec'y.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M. Wilson for the enrollment of his wife Emily Wilson, and their minor children, Sarah Savannah, Daniel M. and Georgiann S. Wilson, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

DECISION.
8-6-0-0

The record in this case shows that on August 4, 1900, William M. Wilson appeared before the Commission at Sallisaw, Indian Territory, and then and there made personal application for the enrollment of his wife Emily Wilson, and their minor children, Sarah Savannah, Daniel M. and Georgiann S. Wilson, as citizens by blood, and for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The evidence in this case shows that Emily Wilson, nee Brackett, was readmitted by Cherokee authorities to citizenship in the Cherokee Nation on the 16th day of August, 1899. William M. Wilson was married to the said Emily Brackett, in accordance with the laws of the Cherokee Nation, on the 15th day of September, 1894. William M. Wilson, his wife Emily Wilson, and their daughter Sarah Savannah Wilson, are identified on the Cherokee Census Roll of 1896. Daniel M. and Georgiann S. Wilson having been born subsequent to the making of the aforesaid roll, are identified by certificates of birth which are on file in the office of this Commission. William M. Wilson has resided in the Cherokee Nation for 16 years, with the exception of 6 months, wherein he resided in the Chectaw Nation. There is also filed an affidavit of the mother of Emily Wilson, for the purpose of identification.

Cherokee D 87 - 2 -

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the Act of Congress, June 25, 1896. (30 Stat., 495).

It is therefore the opinion of this Commission that Emily Wilson and her minor children Sarah Savannah, Daniel M. and Georgianna E. Wilson, are lawfully entitled to be enrolled as citizens by blood, and William M. Wilson is lawfully entitled to be enrolled as a citizen by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,
this MAY 20 1902

du 7404 287.

20

IN RE

Application for Enrollment of

INFANT CHILD

Oscar Willson

as a citizen of

Cherokee Nation.

Approved, August 22 1902

Commissioner.

Received July 1, 1902

Encl B-149

AUG 23 1902

FILED

COMMISSION TO THE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Oscar Wilson, born on the 24 day of June, 1902
(Here insert name of child)
Name of Father: Wm Wilson, a citizen of the Cherokee Nation.
Name of Mother: Emley Wilson, a citizen of the Cherokee Nation.
Post-office, Sallisaw OK

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Northern

District.

I, Emley Wilson, on oath state that I am 32
years of age and a citizen, by Blood, of the Cherokee Nation;
that I am the lawful wife of Wm Wilson, who is a citizen, by
Adoption, of the Cherokee Nation, that a Male child was
(male or female)
born to me on the 24 day of June, 1902, that said child has been
named Oscar Wilson, and is now living.

WITNESSES TO MARK

Emley Wilson

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 day of June, 1902.

James H. Denton

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Northern

District.

I, Nancy J. Howell, a Midwife, on oath state that I
attended on Mrs. Emley Wilson, wife of Wm Wilson,
on the 24 day of June, 1902; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Oscar Wilson.

WITNESSES TO MARK:

Nancy J. Howell

(Must be Two Witnesses)

Subscribed and sworn to before me this 28 day of June, 1902.

James H. Denton

NOTARY PUBLIC.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D-87.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of William M. Wilson et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-87.

IN THE MATTER OF THE APPLICATION OF

William M. Wilson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony August 6, 1900
- B. mem^s of application. " 6, 1900
- C. Marriage license + certificate
- D. Birth affidavit - Daniel M. Wilson
- E. Birth affidavit Maryjane & Wilson
- F. Undeclared letter transmitting receipt
of birth affidavit.

Notice of final consideration

Supplemental testimony^{2nd}
order during testimony. 2/17/02

Transferred to Cherokee
Card No 91144. in accord-
ance with Commission's
decision of May 20, 1902.

Cher D 88

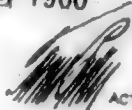
Cher D 88

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 25 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T. AUGUST 7, 1900.

Charles Byers makes application for the enrollment of Saphronia Thomas as a citizen of the Cherokee Nation, said Byers being sworn by Commissioner Needles, testified as follows:

Q How old is Saphronia? A About 12 years old.
Q What is her postoffice? Does she live with you? A Yes. Postoffice, Black Gum, I.T.
Q What is the name of her father? A Charley Thomas.
Q Is he living? A Yes the last time I heard of him he was living at Wagoner.
Q Is he a citizen by blood? A No sir, white man.
Q What is the name of her mother? A Lucy Sassafras.
Q Is she living? A No sir.
Q Is she a citizen by blood? A yes, full-blood.
Applicant, Saphronia Thomas, on '96 roll, page 841, number 201 as Saphronia Byers.
On '94 roll, page 521, number 320, as Saphronia Byers.

GARRIE CONLEY, being sworn, testified as follows:

Q What is your name? A Garrie Conley.
Q How old are you? A 25.
Q Do you know a child named Saphronia that your father raised? A yes. She was over two weeks old when I went home to see them and they had her then.
Q Has this child been living with your father since she was a little-bit of a girl? A Yes.
Q How old is she now? A About 12 years.
Q What was her mother's name? A Lucy Sassafras.
Q Do you know whether her mother was a citizen of the Cherokee Nation? A yes, she was Cherokee and creek too.
Q Did you ever know her mother by any other name besides Sassafras? A No sir.
Q Mother is dead? A yes.
Q Do you know whether the father of the child is moving or not? A I don't know.
Q What is his name? A Charles Thomas.
Q Was he an Indian or white man? A White man.
Q Do you know whether he is living or not? A I don't know.

The name of Saphronia Thomas being found upon the census roll of '96 and pay-roll of '94, she being an orphan, and the name of her mother not being found upon the roll of '00 final judgment as to her is suspended and her name will be placed upon a doubtful card.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 22nd day of August, 1900, at Fort Gibson, I.T.


Commissioner.

Supl.-C.D.#88.

Department of the Interior,
Commission to the five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of SAPHROMA THOMAS
as a citizen of the Cherokee nation,

Applicant was notified by registered letter January 31,
1902, that this case would be taken up for final consideration
on the 17th inst., and that she would on said date be given
an opportunity to introduce any additional testimony affecting
her case. She has been called three times and fails to res-
pond either in person or by attorney and the case is closed.

C. R. McKinnis

Commissioner.

J.O.R.

Cherokee D.- 88.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Saphronia Thomas as a citizen by blood of the Cherokee Nation.

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O R D E R .

---10:--

The record in this case shows that on August 7, 1900, Charles Myers appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that Saphronia Thomas died on April 20, 1901, as evidenced by death affidavit made a part of the record herein.

It is, therefore, ordered by this Commission that the application for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation be, and the same is hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Acting Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

BRV

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 88.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,


Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of Charles Byers for the enrollment of Saphronia Thomas as a citizen by blood of the Cherokee Nation, she having died on April 20, 1901.

Respectfully,



Acting Chairman.

Enclosure H. No. 276.

IN THE MATTER OF THE APPLICATION OF

Saphronia Thomas

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony August 7, 1900
- B. memo of application " 7, 1900
- C. Notice of final consideration
- D. Order closing testimony, Feb. 17, 1902
- E. Sustained by letter

[Large handwritten signature, possibly "Chas"]

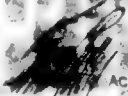
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 7 1900



ACTING CHAIRMAN

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Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 7, 1900.

In the matter of the application of ~~Kumachashkin~~ Alexander B. Glapp for the enrollment of himself by intermarriage, and wife and children as Cherokees by blood; being sworn and examined by Commissioner Brockbridge, he testified as follows:

- Q What is your full name? A Alexander B. Glapp.
- Q What is your age? A 55.
- Q What is your district? A Marble, I.T.
- Q Mr. Glapp, are you on any of the rolls of the Cherokee Nation?
- A I don't reckon that I am.
- Q Have you ever been admitted in any way as a citizen of the Cherokee Nation by the Tribal authorities of that Nation? A Yes, sir.
- Q How? A By marriage; well I reckon I am on the roll of 1896, I think I am.
- Q For whom do you apply for enrollment besides yourself? A Myself and wife and children.
- Q You apply for your wife as a Cherokee by blood? A Yes, sir.
- Q What district do you live in? A Sogoyah.
- Q How long have you lived in Sogoyah? A About 4 years.
- Q Where did you live before that? A Illinois district.
- Q How long did you live there? A About 10 years.
- Q Where did you live before that? A Arkansas was my home.
- Q What is your wife's name? A Mary A. Horn.
- Q Horn was her name when you married her? A Yes, sir.
- Q How old is she? A I don't remember exactly, I have got the age; she was born in 1836; she is dead now.
- Q Then you are not applying for your wife? A Yes, sir, I am married again.
- Q Do you apply as an intermarried citizen through your dead wife or your living wife? A My ~~Kumachashkin~~ present wife.
- Q Now give me your wife's name, the wife that is your wife now?
- A Alois Sanders.
- Q That was the name of your wife before you married her? A Yes, sir.
- Q Now what is the age of your wife? A She is about 50, as near as I can tell.
- Q Your present wife, you apply for her as a Cherokee by blood, do you? A Yes, sir.
- Q Is she enrolled in 1896? A Yes, sir, I guess she is on all the rolls.
- Q As a Sanders in 1896? A Yes, sir, she never was married before.
- Q What district did she live in then? A In Flint or Illinois I reckon, I don't know which.
- Q What is her father's name? A Well, sir, I don't know that I can tell you; his name was Ned Sanders.
- Q When were you married to your wife Alois? A About 6 years ago.
- Q Have you a marriage license? A This is it, yes, sir.
- Q This paper that you hand me is a marriage certificate and not a marriage license. A Well that is all I was required to get.
- Q Well this does not give you citizenship as an intermarried person, you will have to get your license. A That is all I got, and that is all they said was required then, about 15 years ago.
- Q You stated to me distinctly that you claimed citizenship through your marriage to your present wife? A No, sir.
- Q Now you claim enrollment for yourself through your first marriage, do you? A Yes, sir, through the first marriage.
- Q Do you claim through your first marriage or through your second marriage? A I claim it through my first marriage.
- Q Have you got a license for your first marriage? A No, sir, I haven't.
- Q You have no license then at all? A No, sir.
- Q Did you ever have? A No, sir.

Alexander B. Glapp - 3.

Q Have you got a certificate of your first marriage like this?
A That is the only thing the clerk gave me.

Q I mean a certificate of your second marriage? A No, sir, they didn't require it.

Q Mr. Glapp, you surely must have had a license from the clerk who issued this certificate? A No, sir, I didn't.

Q He had no authority to issue this certificate without the license?

A I went to the clerk and he married me and gave me that certificate and I paid him ten dollars.

Q When you married your first wife, did you get up a petition of citizens? A Yes, sir, ten signers, Cherokees by blood.

Q What did you do with that petition? A I taken it to the clerk with my wife, John Taylor, and I paid him \$10.

Q Was your first wife a Horn in 1880? A Yes, sir.

Q And she died before the strip money was paid, she wasn't on the roll of 1894? A No, sir.

Q How how many children do you want to apply for? A Two children.

Q They are both the children of your last marriage? A Both of them by the first marriage; none by the last marriage.

Q Now give us their names please? A James Glapp, he is 15.

Q Now your next child? A Frances, a girl.

Q How old is she? A She is about 12.

Q Now these are all the people you want to apply for? A Yes, sir.

Q These children are both living and living with you now? A Yes, sir.

Q You and your present wife lived together ever since your marriage?

A Yes, sir.

Q And lived in the Cherokee Nation? A Yes, sir, never lived anywhere else.

Q Do you think Ned Sanders was living in 1880? A No, sir, I don't know whether he was or not.

(Alec Glapp on 1880 roll, page 390, No. 1152, as Alec Sanders, Flint district. Mary A. Glapp on 1880 roll, page 540, No. 864, Mary Horn, Illinois district. Alec Glapp on 1894 roll, page 500, No. 1880, Alcy Sanders, Flint district. James Glapp on 1894 roll, page 764, No. 468, Illinois district. Frances Glapp on 1894 roll, page 764, No. 469, Frank Glapp, Illinois district. Alec Glapp on 1896 roll, page 1050, No. 876, Elce Glapp, Sogayah district. Alexander B. Glapp on 1896 roll, page 1112, No. 88, Sogayah district. James Glapp on 1896 roll, page 1052, No. 879, Sogayah district. Frances Glapp on 1896 roll, page 1052, No. 880, Francis Glapp, Sogayah district.)

Q You have no certificate with you of your marriage to your present wife? A No, sir, I never had one.

Q Have you some neighbor here that knows both of you and knows about your marriage, and who your wife was before she was married to you? A I don't see anybody that was present at the marriage.

Q Well some neighbor that knows all about it? A Mr. Hampton does.

George W. Hampton, being duly sworn, says and examined by Commissioner Breckenridge, testified as follows:

Q What is your name? A George W. Hampton.

Q What is your post office? A Ballisaw.

Q How long have you lived in this section? A I was raised here in this district.

Q Do you know the applicant here, Alexander B. Glapp? A Yes, sir.

Q Do you know his present wife? A Yes, sir.

Q Who was she before he married her? A She was a Sanders.

Q What was her given name? A Alec.

Q About how long have they been married? A I don't know exactly.

Q Do you live in the same neighborhood with them? A No, sir, I never lived in Illinois district.

Q You never lived very close to him? A No, sir, not very close.

Alexander B. Clapp - 8.

eight or ten miles.

Q Do you know whether they have been married several years or not?
A I guess they have been married six or seven years, I don't know exactly.

Q Do you know of your own personal knowledge that the woman he now lives with as his wife is the Alois Sanders that you know before his marriage? A Yes, sir.

Q Is she looked upon and considered a Cherokee citizen? A Yes, sir.

Alexander B. Clapp, recalled, testified:

Q Mr. Clapp, your present wife, Alois, is duly identified on the roll of 1880, and also on the rolls of 1894 and 1896, and by personal testimony she is identified under her present name since her marriage to you, and she will be enrolled as a Cherokee by blood. You apply for yourself and your two children through your deceased wife. Your deceased wife, Mary A. Horn, that was, is duly identified on the roll of 1880 and the marriage license that you exhibit here duly attests the fact of your marriage to her on the 3rd of October, 1886. Now the children of that marriage, James and Frances, are duly identified on the rolls of 1894 and 1896, and these children will now be enrolled as Cherokees by blood.

As for your own enrollment, the record is not entirely complete. While the fact of your marriage is established by a certificate, yet you are not able to exhibit a license, which the law requires. You are identified on the roll of 1896, and you are desired to make search to see if the district clerk did not issue you a license at the time he married you. If he did issue a license, it should be found in his office or there should be a record of the fact that he issued it to you. Send the Commission that license, or a certified copy of the record of its issuance. If you cannot get the license or a certified copy of the record showing that it was issued, then get a statement from the signers of your petition and in every way complete the evidence of your having been married under Cherokee law as far as you can, and send whatever you can to the Commission at Muskogee. Your certificate will be kept with your papers. For the present, your own application will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 7th day of August, 1900.

Clifton H. McKim
Commissioner.

Copyrighted and printed for the U.S. Gov. by the U.S. Gov. Printing Office, 1900.

Washburn

...of

1. The applicant is a citizen of the United States and is at least 18 years of age.

THE HISTORY OF THE

1. The above information was obtained from a confidential source who has provided reliable information in the past.

to support of the undersigned of the Council of the General Y.
I signed for the undersigned.

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THE UNIVERSITY OF TEXAS AT AUSTIN

THE NATIONAL ARCHIVES

Dr. Daniel J. Brown, University of Wyoming, Teton, WY 83426

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Y. Aoyama, T. Kikuchi, and Y. Kikuchi

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Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 4th 1900.

By Commissioner Breckinridge:

Q You were sworn in your case before? A. Yes sir.
Q What is your name? A. Alexander B. Clapp.
Q You are 58 years old are you? A. Yes sir.
Q You applied to the Commission at Sallisaw on August 7th 1900? A. Yes sir.
Q You were not able at that time to produce a copy of your marriage certificate? A. Yes sir that was it.
Q Have you a copy now? A. No sir.
Q What have you to present? A. The Clerk of the District in which I got my license and in which I was married. I was married by his Deputy.

RICHARD M. WALKER being called and sworn as a witness testified -

Q What is your name? A. Richard M. Walker.
Q How old are you? A. 46.
Q What is your post office? A. Fort Gibson.
Q How long have you lived in the Cherokee Nation? A. 46 years.
Q All your life? A. Yes sir.
Q What do you know of Mr. Alexander B. Clapp having secured a Cherokee license when he first married? A. I know that he got a Cherokee license from my deputy, I was Clerk of Illinois district at the time and had as my deputy clerk a man named Joan Taylor and I received the license from him and a certificate of marriage. Taylor married them. Taylor sent them to me to have them put of record, and I supposed that they had been recorded, and I suppose that the license in the possession of the Clerk of Illinois district.
Q When a license is issued is it customary to record them at the time or when they are returned with the certificate? A. Some times the license was recorded at the time it was issued and sometime it was recorded with the certificate when they were returned. Sometime the Clerks would be careless and maybe they would not be recorded at all.
Q Did he pay you the fee required by the Cherokee law? A. Yes sir, he paid it to my deputy Taylor.
Q How much did the law require? A. Ten dollars I think, five of which went to the Nation and five went to the clerk.
Q When you returned your accounts to the Nation would that appear as \$5.00 received from Alexander B. Clapp for marriage license? A. Yes sir I guess so. I wont be positive. I dont remember to date of the license, but it was during the time that I was Clerk of the District, I was clerk for a number of years.
Q What was the name of that wife if you know? A. Mary Horn, it is my impression that it was Mary. I was acquainted with the family.

NORMAN S. DRAKE called and sworn as a witness and testified as follows

Q What is your name? A. Norman S. Drake.
Q How old are you? A. 52.
Q What is your post office? A. McDay, I. T.
Q How long have you lived in the Cherokee Nation? A. Nearly 25 years.
Q Do you know Mr. Clapp? A. Yes sir.
Q Do you know when he married his first wife? A. I do, but I dont remember the year.
Q Was you present at his marriage? A. I was.
Q Did he get a Cherokee license? A. Yes sir. There were the names of Hulbert Beam and J. T. McDay signed to his marriage petition that I remember.
Q Did you see the marriage license? A. I did. And then there were his papers that he was required to get as to his recommendation from Osark Arkansas where he had formerly voted, and he got a great many of them, more in fact that there was any need of. I was a credit merchant at the time that he was married and he wanted me to carry

him while he made his farm, he was married to that woman first under the Arkansas law, and I would not credit her and was trying to get him to marry according to the Cherokee laws and really got him to get up the petition for a license, and prevailed upon him to become a Cherokee citizen and told him I would credit him if he would. There was Hulbert Bean and Mark Bean and a lot of others that signed that marriage petition. He was married at the residence of John Taylor and by him. He was the deputy clerk of Illinois district at the time.

Q You were merchandizing at that time and would not credit him until he had established his Cherokee citizenship by a Cherokee marriage? A. That is it.

Q Was he always recognized afterwards as a Cherokee citizen? A. Yes sir, served on the jury and drew his payment in 1894.

Q And you were actually present at the marriage ceremony that was performed by John Taylor, and know that he is the same deputy clerk that Mr. Walker testified to as performing the services? A. Yes sir.

By Commissioner BBeckinridge of Applicant, Alexander H. Clapp:

Q Have you examined the records herein Tablequah to see what report the Clerk made in the Cherokee Nation as to your marriage license? A. Yes sir.

Q What did you find? A. Found nothing.

Q All that you know is that you paid the money to the Clerk and got the license and were married? A. Yes sir.

Q How is his report made out? A. There is no report.

Q Did you find where he had reported to the Nation money received from marriage licenses? A. I didn't look for that.

Q Of course you had no control of the disposition of the money? A. No sir.

Q You might go to the records here and if his report of that time reports also that money was received from the issuance of marriage licenses, and your name was mentioned there as one of the people who had paid in money for marriage licenses, and if you find that that is the case, bring us an official certificate of that fact from the custodian of the records.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise
Subscribed and sworn to before me this 4th of December, 1900.

[Signature]
Commissioner.

SUPPLEMENTAL TESTIMONY.

D #99.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Alexander B. Clapp for enrollment as a citizen of the Cherokee
Nation:

RICHARD M. WALKER, being sworn and examined by Commissioner
Breckinridge, testified as follows:

- Q Give your name there? A Richard M. Walker.
Q What is your age? A 46.
Q Your post office? A Fort Gibson.
Q You want to give some additional testimony in the application
of Alexander B. Clapp do you? A Yes, sir.
Q You were formerly Clerk of Illinois district? A Yes, sir.
Q I believe you stated in former testimony that you issued a li-
cense to Mr. Clapp? A I didn't, my Deputy did, John Taylor.
Q And he informed you of that fact? A Yes, sir, and sent me the
license for record and I was under the impression that I placed it
on record, but I have been up to the office here and searched the
records and can't find any record of it.
Q Searched the records here at Tahlequah? A Yes, sir, and find
nothing of the kind.
Q Did you find any record of where your fee of Five Dollars for
the license had been remitted to the Treasurer? A No, sir, I
went down in the Treasurer's office and could not find it.
Q Does the law require you to issue a receipt for the license?
A Yes, sir.
Q How can you check up if you did not? A The Clerk makes reports.
I knew Mr. Clapp; I knew he got the license according to law and I
knew that he has been living in this country.
Q And you want to state at this time that you have searched the
records and find no traces of that fact at all? A Yes, sir.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

J. O. Rosson

Subscribed and sworn to before me this 7th day of December, 1900.

[Signature]
Commissioner.

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THE INTERIOR
FIVE CIVILIZED TRIBES.

LED

Dec 7 1889



ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 7, 1900.

In the matter of the application of Alexander B. Clapp ~~et al.~~
et al.

Supplementary testimony.

Witness, Hulbert Bean, being sworn by Commissioner Breckinridge:-

- Q Give me your full name. A Hulbert Bean.
Q How old are you? A 52.
Q What is your postoffice? A McKey.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Mr. Alexander B. Clapp? A Yes sir.
Q Is he a neighbor of yours? A Yes sir.
Q He's a white man is he? A Yes sir.
Q Is he married? A Yes sir, he's married now.
Q Is he married to a Cherokee woman? A Yes sir.
Q He's been married twice, has he? A Yes sir.
Q Was his first wife a Cherokee woman? A Yes sir.
Q It seems that his Cherokee license for his first marriage was lost and the record not properly kept and reported at the Clerk's office? A Yes.
Q What do you know about his getting out a license? A Yes sir.
Q Did he get out signers? A Yes sir, I signed for him myself.
Q Do you know of any other? A John Taylor, I think.
Q Did you see him going around getting up signers? A Yes sir.
Q He was a man of good standing, good character in the neighborhood? A Yes sir.
Q And wouldn't have any difficulty in getting good signers? A No sir.
Q Did you hear of his being married after that? A I saw him married.
Q To the same woman you signed for him to marry? A Yes sir.
Q And then did he and she live together until she died as husband and wife? A Yes sir.
Q Did you see the license at the time the ceremony was performed? A No sir, I don't recollect that.
Q Is the preacher dead that married them? A No sir, the deputy Clerk married them, John Taylor.
Q Is John Taylor dead? A No sir.
Commissioner- John Taylor's certificate is on file testifying that he married this couple, said A. B. Clapp having complied with the laws of the Cherokee Nation regulating the intermarriage of white men. This certificate, under the seal of his office, is filed with this case, showing that the applicant and his first wife were married on the 3rd of November, 1886 by said John Taylor, Deputy Clerk of Illinois district.

E. G. Rothenberger, being duly sworn, states that stenographer to the Commission to the Five Civilized Tribes, he reported in full the ~~testimony~~ supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of December, 1900.

E. G. Rothenberger
Commissioner.

89

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander B. Clapp, as a citizen of the Cherokee Nation.

On the 7th day of August, 1900, Alexander B. Clapp appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. The application included other parties, but as they are differently classified they are not embraced in this decision nor considered at this time.

At the conclusion of the testimony offered at that time, the name of Alexander B. Clapp was placed upon a "Doubtful" card, awaiting further consideration, pertaining to his marriage through which he claims rights of citizenship.

STATEMENT OF FACTS.

Alexander B. Clapp at the time of this application was 58 years of age, and claims citizenship as an adopted white; by virtue of his marriage with one Mary A. Horn, a citizen by blood of the Cherokee Nation. Mary A. Horn is identified on the Cherokee authenticated tribal roll of 1880. The marriage between Alexander B. Clapp and Mary A. Horn took place on the 3d day of November, 1886, as shown by a certified copy of the marriage certificate, in which it is stated, that the laws of the Cherokee Nation regulating the intermarriage of white men, had been complied with, and which is on file in the office of this Commission. His wife Mary A. Horn having died subsequent to their marriage, Alexander B. Clapp was again married to one Aleis Sanders, a citizen by blood of the Cherokee Nation, and duly identified on the authenticated tribal roll of 1880. Said

marriage occurred on the 20th day of August, 1893, as shown by a certified copy of the marriage certificate, now in file in the office of this Commission.

The first marriage hereinbefore referred to, as shown by the testimony, was solemnized by one John Tayler, who at that time was a Deputy Clerk of the Court for Illinois District. The absence of the introduction of the marriage license is satisfactorily explained, and for the purposes of this case it is not deemed essential, for the reason that the marriage certificate, offered in evidence and personal evidence submitted shows that the laws regulating the intermarriage of white men and ~~black~~ citizens, had been complied with. The status of Alexander B. Clapp by reason of the death of his first wife and his subsequent marriage to Alois Sanders is not affected by operation of the law, for the reason that both wives were citizens by blood of the Cherokee Nation.

Alexander B. Clapp is identified on the Cherokee Census roll of 1896 as "Alexand B. Clapp;" he has resided in the Cherokee Nation since his marriage to Mary A. Horn, and his application for enrollment as a citizen by intermarriage of the Cherokee Nation is based on the foregoing facts.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the provision of the Act of Congress approved June 28, 1898, (30 Stats. 495. Sec. 21).

In conformity with the facts and the law in this case, the following decision is rendered:

D E C I S I O N.
--c0e--

Alexander B. Clapp having, as shown by the facts in this case, intermarried with a Cherokee citizen by blood, it is considered by the Commission that he is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is therefore so ordered.

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Commissioner,

Dated at Winnipeg, Indian Territory,
MAY 27 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Alexander B. Clapp for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-99.

CHEOKEE

Alexander B. ~~Blatt~~ *Clapp*

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Department of the Interior,
Commissioner to the Five Civilized Tribes,
Sallisaw, I. T., August 7, 1900.

In the matter of the application of John Overtaker et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A John Overtaker.
Q What is your age? A Forty.
Q What is your post-office address? A Vian.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q What district do you live in? A I live in Illinois District.
Q How long have you lived there? A Not long. I have been living here in this district before I went to Illinois.
Q How long have you been living in the Cherokee Nation? A All my life.
Q Never lived out of it? A No sir.
Q What is the name of your father? A Charles.
Q Is he living? A No sir.
Q When did he die? A He died in time of the War.
Q What is the name of your mother? A Annie.
Q Is she living? A No sir, she has been dead about ten years.
Q What proportion of Cherokee blood do you claim? A I am about two-thirds I guess.
Q Are you married? A No sir.
Q Just applying for yourself? A No, I have got two children.
Q Where you ever married? A Yes sir.
Q What was your wife's name? A Julia Walker.
Q Was she a citizen of a white woman? A She was a white woman.
Q When did you marry her? A We wasn't legally married.
Q What are your children's names? A Fannie Overtaker, four years old; Maggie Overtaker, one and one-half years old.
Q Are those children alive and living with you? A Yes sir.
Q Did you ever live with this woman as your wife? A Yes sir, we lived together about five years.
Q What year did you commence living with her? A I don't know; it was about 1893 I reckon.
Q Did you live with her until she died? A She is not dead.
Q Why didn't you get married? A She is married.
Q Did you live with her all the time five years as man and wife? A Yes sir.
Q Have you any proof of that? A Yes sir.

Examined by Cherokee Representative Hastings:

- Q Did this woman have any children before you married her? A No sir.
Q You treated her as your wife? A Yes sir.
Q She lived in the house with you? A Yes sir.
Q Just you two? A Yes sir, and her mother.
Q When was the first child born? A Born February 24th 1896.
Q When did you commence living with that woman? A I think it was about 1893.
Q How long before this child was born? A About two years I guess.
Q She had lived with you continuously from the time you began to live with her until the child was born, two years? A Yes sir.
Q You treated her as your wife? A Yes sir.
Q She treated you as a husband? A Yes sir.
Q No other man lived with her? A No sir.
Q When was the second child born? A She was born in 1898.
Q You were living with her at the time this second child was born or had you quit her? A I was still living with her.

John Overtaker et al #2

Q How old was that child before you left her? A The child was about three or four months old.

Q What made you leave her? A I don't know.

Q Was it because of any jealousy of anybody else? A I didn't intend to leave her, she left me.

Q You were satisfied with her then, with the woman? A Yes sir.

Q She became dissatisfied with you and left; is she living with somebody else now? A Yes sir, she is married.

Q She was lawfully married to the next one? A Yes sir.

Com'r Needles:

Q Where are these children now? A They are here in town.

Q Who are they living with? A Their mother.

Cherokee Rep's Hastings:

Q Did she marry a citizen? A No sir.

Q Do they go by your name? A Yes sir.

Com'r Needles:

Q What is her present husband's name? A H. J. McClanathan.

Cherokee Rep's Hastings:

Q How long had she left you before she married this other man? A I reckon it was five or six months.

Q Did she live with any one in the meantime? A No sir.

Q Was she had any children since she quit you? A No sir.

Q You say that this child was born February 26th 1896? A 1896 I think.

Q Why didn't you enroll it in 1896? A I did enroll it, she is on the roll.

Q Did you enroll it under your name? A Yes sir.

1890 roll, page 712 #954 John Overtaker, Sequoyah District.

1894 roll page 1044 #1047 John Overtaker, Sequoyah District.

1894 roll, page 979 #992 John Overtaker, Sequoyah District.

Com'r Needles: The names of John Overtaker appearing upon the authenticated roll of 1890 as well as the census roll of 1896 and the pay roll of 1894, as indicated in the testimony, and he having made satisfactory proof as to his residence, he is ordered listed for enrollment as a Cherokee citizen by blood.

The names of his children, Fannie, four years of age, and Maggie, eighteen months old, their names not appearing on any of the rolls of the Cherokee Nation, they having been born since said roll of 1896 was compiled, satisfactory proof having been made as to his marriage with the woman whom he claims to be the mother of these children, named Julia Walker, judgment as to their enrollment is suspended, and they will be placed upon a doubtful card.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 8th day of August 1900.

D 90

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 13 1900



ACTING CHAIRMAN.

[Faint, illegible handwritten text]

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 7, 1900.

In the matter of the application of John Overtaker for the enrollment of his two children, Fannie and Maggie, as Cherokee citizens; Joe Alfred, being sworn and examined by Commissioner Needles testifies as follows:

- Q What is your name? A Joe Alfred.
Q What is your age? A Forty-seven.
Q What is your post-office? A Sallisaw.
Q You know John Overtaker? A Yes sir.
Q Did you know his wife, Julia? A Yes sir.
Q You know whether they were ever married or not? A I couldn't say, no sir.
Q You know whether they lived together as man and wife? A Yes sir.
Q How long did they live together as man and wife? A I know them about three years.
Q They were keeping house as man and wife together? A Yes sir.
Q Did they have any children? A They had one that I know of when I got acquainted with them.
Q You know its name? A Fannie.
Q Did they have one afterwards? A Yes sir.
Q What is its name? A I don't know.
Examined by Cherokee Representative Hastings:

- Q How far did you live from them? A I lived nine and a half.
Q How long? A I guess about four or five months; and different places I saw them; I worked for the railroad company; I think they lived at MaKey awhile, and here at Sallisaw awhile.
Q You know anything about their separation? A No sir.
Q You know anything about the cause of it? A No sir.
Q Did you know them prior to the birth of this first child, Fannie? A No sir.
Q You don't know whether they were living together when that child was born or not? A No sir.
Q You know whether they were living together when the second child was born? A No sir; they moved away and I didn't see them.
Q You had no intimate acquaintance with them? A Yes sir; I have been about them right smart.

PICKENS BONGA, being sworn and examined by Commissioner Needles testifies as follows:

- Q What is your name? A Pickens Bonga.
Q What is your age? A Forty-two.
Q What is your post-office? A Marble.
Q Are you a Cherokee citizen? A Yes sir.
Examined by Cherokee Representative Hastings:
Q Do you know John Overtaker? A Yes sir.
Q You know the woman with whom he lived? A No sir. He worked for me about two years ago and lived with a woman they called Fannie, but I wasn't acquainted with them.
Q You know whether he had any children or not? A I seen a couple of children there, he said they was his children, but I don't know.
Q They were small children? A Yes sir.
Q You know when they separated? A No sir.
Q You don't know anything about the cause of the separation? A No sir. I just seen him with his family about two years ago; he worked for me about two months.
Q You know how long he lived with this woman? A No sir I do not.

John Overtaker's app. for his children
Fannie and Maggie, #2

Gov'r Needles:

Q You don't know whether those children were that woman's or not
do you? A No sir.

H.D. Green, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported the
foregoing case and that the above and foregoing is a full true and
complete transcript of his stenographic notes in said case.

H.D. Green

Subscribed and sworn to before me this 10th day of August 1907.

R. H. C. J.

Commissioner.

1090

REPORT OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES

FILED

MAY 3 1902

ACTING CHAIRMAN

Handwritten signature and initials, possibly "J. H. ..."

"R"

Cherokee D 90.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Fannie Overtaker et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw, I. T., Attorney
for the applicants;

W.W. Hastings, attorney for the Cherokee Nation.

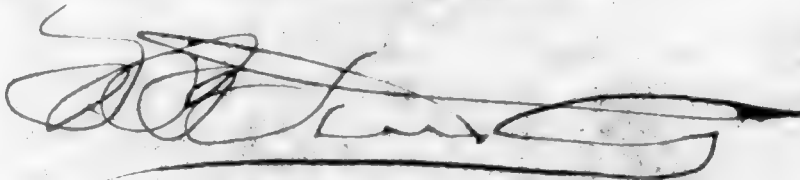
BY MR. HUCKLEBERRY: I just want to submit that case. We have
no additional proof.

BY MR. HASTINGS: Well, closed and submitted.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

✓ H S. 90 Cherokee D 90.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Fannie and Maggie Overtaker as citizens by blood of the Cherokee
Nation.

DECISION.

The record herein shows that on August 7, 1900, John Overtaker appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of himself and his two minor children, Fannie and Maggie Overtaker, as citizens by blood of the Cherokee Nation. John Overtaker is differently classified and is not embraced in this decision.

The evidence shows that the applicants are the minor children of John Overtaker, a Cherokee by blood, who is identified on the 1880 authenticated Cherokee roll, on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll. The said minor children were born since 1880 and are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said John Overtaker has resided in the Cherokee Nation all his life; and it is considered that the residence of said minor applicants has been with their father since their birth.

It is, therefore, the opinion of this Commission that Fannie Overtaker and Maggie Overtaker should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed

J. B. Moore

Chairman.

Signed

J. B. Moore

Commissioner.

Signed

C. H. Brown

Commissioner.

Signed

J. B. Moore

Commissioner.

Muskogee, Indian Territory,

this 26 OCT 9 1900

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-90.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir: .

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for the enrollment of Fannie and Maggie Overtaker, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-75

Chairman.

IN THE MATTER OF THE APPLICATION OF

Jamie Overaker & Co.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 7, 1900

B. memo of application - " 7, 1900

C. Additional testimony. " 7, 1900

D. Affidavit relative to marriage of parents

E. Birth affidavit - Jamie Overaker

F. " " Maggie Overaker

G. Notice of final consideration

H. Order closing testimony, 2/17/02

I. Receipt for testimony.

Cancelled and returned
to Cherokee Co.

See Cherokee Co.

Cher D 91

Cher D 91

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1906


ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 7, 1900.

In the matter of the application of Elias Kyle for enrollment of himself ~~and~~ as citizens of the Cherokee Nation, said Kyle being duly sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Elias Kyle.
Q Your age? A 27.
Q Postoffice address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A About 18 years.
Q What is the name of your father? A W. A. Kyle.
Q Is he a citizen? A No sir.
Q Is your mother a citizen? A No sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A I guess so; I have enrolled some.
Q When were you married? A '89.
Q Do not claim any proportion of Cherokee blood? A No sir.
Q Apply for enrollment as an intermarried citizen? A Yes.
Q Under what law were you married? A Cherokee law.
Q What was your wife's name before you married her? A Lee Brackett.
Q Is your wife a citizen of the Cherokee Nation? A Yes.
Q Have you been living with her continuously since you married her?
A She is dead.
Q You lived with her until her death? A Yes.
Q When did she die? A 7 years ago.
Q Have you any children by her? A No sir.
Q Just apply for the enrollment of yourself as an intermarried citizen? A Yes.
Q Your wife was admitted by certificate of admission wasn't she?
A Yes.

You present certificate of admission to the Cherokee Nation issued on the 16th day of February dated at Tahlequah, 1892, signed by W. H. Mays, Assistant Executive Secretary of the Cherokee Nation. In this certificate appears the name of Asalline Brackett. Is the Asalline Brackett named in this certificate the identical Lee Brackett whom you married in '84? A Yes.

Applicant on '96 roll, page 1115, number '95.

The name of Elias Kyle appears upon the census roll of '96. He presents a certificate of admission to citizenship as designated in the testimony admitting Asalline Brackett to citizenship in the Cherokee Nation, February 16, 1892. He also presents a certified copy of a marriage license and certificate certifying that he was married to Miss Lee Brackett on the 14th day of September, 1889, said Lee Brackett mentioned in the license is fully identified as ~~and~~ Asalline Brackett in the certificate of admission. Now comes the Cherokee Nation by its representatives, Hastings and Baugh, and object to the citizenship of Asalline Brackett and ask that judgment as to her citizenship be suspended until other testimony can be taken in regard to the same. As the citizenship of the applicant would depend upon the citizenship of his wife, Lee Brackett, known in the certificate as Asalline Brackett, judgment as to the enrollment of said applicant, Elias Kyle, is suspended, and his name will be placed upon the doubtful list.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 23rd day of August, 1900,
at Fort Gibson, I.T.

C. M. Thier

Commissioner.

6291

100-11-11

ANDERSON, J. H., Chairman, 1902
Commissioner of the General Land Office
Department of the Interior
Washington, D. C.

MINING RIGHTS IN THE LANDS OF THE UNITED STATES
The following is a list of the lands of the United States which are now being offered for sale to the public at a special price of \$1.00 per acre.

These lands are situated in the State of California, and are located in the following counties: Alameda, Contra Costa, Fresno, Inyo, Kern, Kings, Los Angeles, Mono, Nevada, Placer, San Bernardino, San Diego, San Francisco, San Joaquin, Santa Clara, Santa Cruz, Stanislaus, Sutter, Tehama, Yuba, and Yavapai. The lands are being offered for sale in several tracts, and the total area is about 100,000 acres.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.
JAN 1 1902

7-10-100

Supl.-C.D.#91.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ELIAS KYLE as a citizen of the Cherokee Nation:

Applicant was notified by registered letter January 31, 1902, that this case would be taken up for final consideration by the Commission on the 17th inst., and that he would on said date be given an opportunity to introduce any further testimony affecting his application. The applicant has been called three times and fails to respond either in person or by attorney and the case is closed.

C. R. McKinnon

J.O.R.

Commissioner.

*File with
John Shaught 91.*

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. February 26, 1902.

4850

In the matter of the application for identification as Mississippi Choctaws of Roxanna Freeman for herself and her minor son, William Clyde Freeman,

Applicants represented by attorney J. G. Halls; No appearance.

Roxanna Freeman being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Roxanna Freeman.
 Q What is your age? A Forty-five.
 Q What is your post office address? A Fairland, Indian Territory.
 Q How long have you lived there? A We have lived there eight years I believe.
 Q Where did you live before that? A Maysville, Arkansas.
 Q Where were you born? A Sherman, Texas.
 Q How long did you live in Texas? A I was twelve years old when we left Texas.
 Q And went to Arkansas? A Yes, sir.
 Q And lived there until nine years ago? A I lived in the Territory part of the time.
 Q But, for nine years continuously you have lived in the Territory? A Yes, sir.
 Q Is your father living? A No, sir; he is dead.
 Q Is your mother living? A Yes, sir.
 Q What was your father's name? A Jackson D. Dumas.
 Q What was your mother's name? A Lucinda Dumas.
 Q That is her name now? A Yes, sir.
 Q Has she a middle initial? A Lucinda Caroline.
 Q You claim through your father or mother? A Through my father.
 Q How much Choctaw blood do you claim? A One-sixteenth.
 Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
 Q When and where, if you remember, were your father and mother married? A They were married in fifty-three and I believe they were married at Ripley, Mississippi; I am not sure about that.
 Q By a minister and under a license? A I could not tell you.
 Q You think you could produce evidence of their marriage later? A My brother has sent for it.

A reasonable time will be allowed for that purpose.

- Q Have you a husband living? A Yes, sir.
 Q What is your husband's name? A D. W. Freeman.
 Q You make any claim for him as having Choctaw Indian blood? No sir.

#2

- Q His blood is white is it? A No, sir; it is Cherokee.
Q You make the claim then that he has Cherokee blood? A Yes, sir.
Q But not Choctaw? A No, sir.
Q Have you any children under twenty-one years of age and unmarried? A One.
Q You want to make application for that one? A Yes, sir.
Q What is the Child's name? A William Clyde Freeman.
Q How old is he? A He is eighteen.
Q And he is the son of D. W. Freeman? A Yes, sir.
Q And lives with you at your home? A Yes, sir.
Q Has your husband been enrolled as a Cherokee? A Yes, sir.
Q Do you know whether or not he has made application for the enrollment of this son? A Yes, sir.
Q As a Cherokee? A Yes, sir.
Q Has the son been enrolled? A Yes, sir.
Q Have you been enrolled as a Cherokee? A Yes, sir; as an adopted citizen.

It appears from an examination of the records of the Commission that the applicant and her minor child William Clyde Freeman have been listed for enrollment by the Commission as citizens of the Cherokee Nation; the applicant in chief under the name of Roxie L. Freeman as a citizen by intermarriage of the Cherokee Nation and her minor son as a citizen by blood of the Cherokee Nation and their names appear on Cherokee roll card field number ninety-one. The name of the applicant in chief is found upon the 1880 authenticated roll of the Cherokee Nation as a citizen of the Delaware District, number 993 as R. S. Freeman and the name of her son William Clyde Freeman is found upon the 1896 census roll as a citizen of the Cherokee Nation, Delaware District, number 1218.

At this point in the examination it developing that the applicant Roxanna Freeman and her minor child William Clyde Freeman having been listed for enrollment as citizens of the Cherokee Nation the examination, at the request of the applicant in chief, is discontinued.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March 1902.

G. Rosenwinkel
Edna Mitchell
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Elias Kyle for the
enrollment of himself as a citizen by intermarriage of the Cherokee
Nation.

Supplemental to D-91.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ELIAS KYLE, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name, Mr. Kyle. A. Elias Kyle.
Q. What is your age at this time? A. 28.
Q. What is your post office? A. Sallisaw.
Q. Are you the same Elias Kyle who applied to this Commission
on August 7th, 1900, for enrollment as a citizen by intermarriage?
A. Yes, sir.
Q. What is the name of your wife? A. Lee Brockey.
Q. Is she living? A. No, sir; she is dead.
Q. When did she die? A. Six years ago.
Q. When were you married to her? A. In 1889.
Q. Have you already filed your marriage license? A. Yes, sir;
I never have received them, though.
Q. Well, they will be sent back when copies are made. Did you
live with her from the time you were married up to the time of
her death? A. Yes, sir.
Q. Had you ever been married prior to your marriage to her?
A. No, sir.
Q. Had she ever been married prior to her marriage to you?
A. No, sir.
Q. Is she your first wife? A. Yes, sir.
Q. You her first husband? A. Yes, sir.
Q. Have you married since her death? A. No, sir.
Q. Were you a single man on the first day of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. About
18 years.
Q. Have you lived in the Cherokee Nation for the last 18 years
continuously? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a true
and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of October, 1902.

Jesse O. Carr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
ELIAS KYLE as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

The record in this case shows that on August 7, 1900, Elias Kyle appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on September 29, 1902.

The evidence shows that Elias Kyle was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on September 14, 1889, to one Lee Brackett who was readmitted to citizenship, among others, in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1889. It further appears that Lee Brackett was readmitted on the date hereinbefore shown, under the name of Assalline Brackett. They are identified as one and the same person. Elias Kyle is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Elias Kyle lived with his said wife in the Cherokee Nation until her death, which occurred in 1893, and that he has not since remarried.

The said Elias Kyle has lived in the Cherokee Nation continuously for eighteen years, and was a resident therein on the date of this application.

It is, therefore, the opinion of this Commission that Elias Kyle should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ernie Dixby.

Acting Chairman.

T. B. Needles.

Commissioner.

J. F. Boothbridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

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COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 91.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

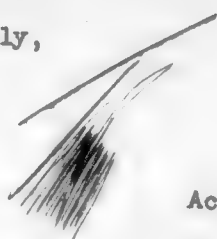
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Elias Kyle for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 5.

91
IN THE MATTER OF THE APPLICATION OF

Elias Kyle

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony, August 7, 1900

B. Mem^o of application - " 7, 1900

C. Certified copy of marriage license and certificate

& notice of final consideration

~~Application for enrollment regarding~~
~~introduction of Elias Kyle~~

Order closing testimony, Feb. 17, 1902

[Faint, mostly illegible handwritten notes at the bottom of the page, possibly including dates like 1903 and names like H. L.]


Cher D 92

Cher D 92

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 25 1900


ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 7, 1900.

In the matter of the application of Sarah Brackett for enrollment as citizens of the Cherokee Nation, said Brackett being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Brackett.
Q Your age? A 53.
Q Your postoffice address? A Wauhatchie.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q Name appear upon any of the rolls? A Yes.
Q What district do you live in? A Tahlequah.
Q How long have you lived there? A I lived in Tahlequah district 6 years and in Goingsnake district 2 years.
Q Lived in the Cherokee Nation 10 years? A Yes.
Q Where did you come from to the Cherokee Nation? A State of Georgia.
Q What evidence have you of your citizenship? A Certificate.
You present certificate of admission issued by the Commission on Citizenship of the Cherokee Nation, dated 16th day of August, '89, signed by William P. Ross, Chairman of the Commission, attested by D. S. Williams Clerk of the Commission, approved and endorsed by J. E. Hayes, Principal Chief. This certificate certifies that Sarah Brackett among other was admitted to citizenship on the 16th day of August, 1889. Are you the identical Sarah Brackett mentioned in this certificate? A Yes.
Q This certificate provides that it shall be the duty of the persons named to enroll the names of their families when they arrive in the Nation, and they shall arrive in one year from the date of the certificate-- was your name enrolled? A It was on the pay-rolls.
Q Was it enrolled within one year when you came from Georgia? A No sir, it was not.
Q How long after this certificate was issued was it before you came from Georgia? A On the 16th of August, '89, is the date this certificate was issued? A I came in March, '90.
Applicant, a name on '96 roll, page 1134, number 83;
On '94 roll, page 1016, number 77.
Q Are you married? A No sir.
Q Have you any children under 21 years of age? A No sir.

The name of Sarah Brackett appears upon the census roll of '96 and the pay-roll of '94. She is duly identified thereby according to page and number of said rolls as indicated in the testimony. She also presents certificate of admission to citizenship in the Cherokee Nation issued on the 16th day of August, 1889, said certificate being described in the testimony. She has also made satisfactory proof as to her residence.

Now comes the representatives of the Cherokee Nation and object to the enrollment of the said Sarah Brackett and ask that judgment as to her application be suspended until further evidence can be taken. Consequently judgment is suspended and her name will be placed upon a doubtful card.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 23rd day of August, 1900,
at Fort Gibson, I.T.

Brown McDonald
Commissioner.

Supl.-C.D.#92.

Department of the Interior,
Commission to the five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH BRACKETT
as a citizen of the Cherokee Nation.

Applicant was notified by registered letter January 31, 1902, that this case would be taken up for final consideration on the 14th inst., and that she would on said date be given an opportunity to introduce any further testimony affecting her application. Receipt has been acknowledged of the Registered letter and the applicant called three times and fails to respond either in person or by attorney and the case is closed.

C. R. Beckwith

Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Brackett as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 7, 1900, Sarah Brackett appeared before the Commission at Salisaw, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that said Sarah Brackett was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1899. Said Sarah Brackett is identified on the Cherokee Census Roll of 1898.

The evidence further shows that said Sarah Brackett removed to the Cherokee Nation in March, 1890, and has lived therein continuously up to and including the date of this application.

It is, therefore, the opinion of this Commission that Sarah Brackett should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 20, 1898, (30 Stats., 498), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 92.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,


Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Sarah Brackett for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 66.

IN THE MATTER OF THE APPLICATION OF

Sarah Brackett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 7, 1900

B. Memo of application. " 7, 1900

C. Notice of final consideration

D. Order closing testimony, Feb. 17, 1902

Copy of testimony and
order

Transferred
to Cherokee
No 9730

Cher D93

Cher D93

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
ON THE CIVILIZED TRIBES.
J. D.
1890

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[Signature]
ACTING CHAIRMAN.

[Faint handwritten text, possibly a list or notes]

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Department of the Interior.
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 7th, 1900.

In the matter of the application of Adam Brackett et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testifies as follows:

- Q What is your full name? A Adam Brackett.
Q What is your age? A 55.
Q What is your post-office? A Sallisaw.
Q What is your district? A Sequoyah.
Q For whom do you make application for enrollment? A Myself and children.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q Are you on the roll of 1880? A Think not.
Q Why are you not on the roll of 1880? A Wasn't here.
Q How did you acquire your citizenship; by the action of the Cherokee authorities? A Yes sir.
Q Where did you come from? A Georgia.
Q Have you your ~~attested~~ certificate of admission? A Yes sir.

Mr. Brackett, you present here a statement under seal by W.H. Mayes, Assistant Executive Secretary, Executive Department, Cherokee Nation, dated Tahlequah, Feb. 10th, 1898, stating that you among others were re-admitted to all the rights and privileges of Cherokees by blood by the Citizenship Commission of date 1880. It will be necessary, Mr. Brackett, for you to get from Tahlequah a certified copy of the judgment of the Commission rendering the decision, admitting you to citizenship.

- Q Have you lived in the Cherokee Nation ever since the date you claim to have been admitted in 1880? A Yes sir.
Q Give me the names of your children? A Benjamin.
Q How old is he? A About 14.
Q What's your next child? A Lizzie Mayes.
Q How old is that child? A 10 years old.
Q What's your next child? A Annie.
Q How old is that child? A 5 years old.
Q Any more? A That's all.
Q How your child Benjamin was living at the time you claimed to be admitted to citizenship? A Yes sir.
Q Was he admitted the same time you were? A Yes.
Q His name is identified in the certificate that you have presented here from the Assistant Executive Secretary? A Yes sir.
Q Was Lizzie born since you were admitted to citizenship? A Yes sir.
Q And of course Annie was born since that time? A Yes sir.
Q Is the mother of these children dead? A No sir.
Q Was she admitted to citizenship the same time you were? A Yes sir.
Q What is her name? A She's not on the roll, she's adopted; she's a white woman.
Q Then she was not admitted to citizenship the same time you were? A No sir.
Q Who is Asalline Brackett mentioned in the certificate presented here? Was she your wife? A No.
Q What was she? A My oldest girl.
Q What is the name of the mother of these children for whom you apply? A Annie Brackett.
Q She's not on any of the rolls of the Cherokee Nation? A No sir, I don't think she is.
Q What was her name when you married her? A Browder.
Q How old is she? A I think she's about 45.
Q Were you ever married to her under Cherokee law? A Yes sir.

Q But you are not applying for her now? A We aint living together.

Q When did you marry her? A About ten years ago under Cherokee law.

Q When did you marry her under United States law? A About 25 years ago.

Q Have you a certificate or license proving your marriage to that woman? A Yes sir.

Q Was Annie Brewster your wife and the mother of those children for whom you are applying for enrollment? A Yes sir.

Q And you say you married her under United States law some 25 years ago? A Yes sir.

Com'r. A Marriage in '93 won't cover a marriage 25 years ago.

Q Have you any proof that you were married to Annie Brewster twenty five years ago. A Not in this country, I don't think.

Q You and Annie Brewster were living together as husband and wife long before 1893 were you? A Yes sir.

Q Have you some one here that you can prove that by? A I reckon not.

Q Have you neighbors here that know you were living together as husband and wife? A I reckon not; were married back in the old country.

Q You claim to have come here in '89, you were living with her as her husband then were you not? A Yes sir.

Q And she came here with you? A Yes sir.

Q Well haven't you got some neighbors here who know that? A Yes there are people here who know it; I don't know whether there is any one on the ground or not.

Witness, Herman S. Drake, being sworn and examined by Com'r. Breckinridge, testifies as follows:

Q What is your age? A 55.

Q Your post-office? A McKee, I.T.

Q How long have you lived in this section of the country? A 20 years.

Q Do you know the applicant here, Adam Brackett? A Yes sir.

Q Do you know Annie Brewster that was, who is, or has been his wife?

A I know the woman who he lived with as his wife, but I don't know her name as Annie Brewster. She came here with him as his wife from Georgia. When I first knew them they were here as man and wife living together, about 12 years ago.

Q How long did they continue living as husband and wife? A Until about Strip Payment.

Q About '84? A About '83 or '84, along about that time.

Q Do you know whether she's considered to be the mother of his two children, Lissie Hayes and Annie? A No sir. She's the mother of a young girl, a young woman now; I don't know.

Q Do you know anything about two children, one about 10 and one about 5? A No sir, I don't know them.

Q Did I understand you to say you knew them to be living as husband and wife something like 12 years ago? A That's when I began to know them, and occasionally met them until Strip Payment time.

Q Did they always appear down to along about the time of the Strip Payment as husband and wife before the community and did the people hold them out as such? A I think so.

Q They were looked upon as husband and wife by the people? A I think so; I looked upon them as such and I guess the community did.
re-direct.

Q Did you draw money for your child Annie? A No sir.

Q Not for Annie but for Lissie? A Yes sir.

Q Annie wasn't born at that time? A No I don't believe she was.
1894 roll; page 934, #61, Adam Brackett, Sequoyah Dist.

1894 roll: Page 854, #66, Benjamin Brackett, Seconyah Dist.
 1894 roll: Page 854, #66, Lizzie M. Brackett, " "
 1896 roll: Page 1051, #66, Adam Brackett, " "
 1896 roll: Page 1051, #73, Benjamin Brackett, " "
 1896 roll: Page 1051, #74, Lizzie May Brackett, " "
 1896 roll: Page 1051, #75, Annie Brackett, " "

Q Mr. Brackett, are these three children living at this time?

A Yes sir.

Q And are they living with you? A No, two little ones living with their mother.

Q But all alive at this time? A Yes sir.

Q Are you doing anything towards their support? A No sir; well I am buying them clothes.

Mr. Hutchings, representative of the Cherokee Nation:

Q Mr. Brackett, what is the date of the birth of that last child, Annie? A I can't tell you the day nor the month.

Q Hadn't you and she separated for good about the time that child was born or before? A No the child was done born. It was three or four weeks old when she left me.

Q Did she get a divorce from you? A No sir.

Q How did she marry Everett? A She aint married.

Q She's living with Everett? A She's living at his house.

Q There aint no other man living with her but Everett? A No sir.

Q Are you certain that you are the father of that last child, Annie?

A Yes sir.

Q It was born when you were living together as man and wife? A Yes sir.

Mr. Hastings, representative of the Cherokee Nation:

Q You brought this woman with you from Georgia? A Yes sir.

Q Were you living with her when all these children were born? A Yes sir.

Mr. Hutchings, representative of the Cherokee Nation:

Q What was the longest time you and your wife were ever separated from one another by virtue of family quarrels, etc.? A She was gone once two months and a half I believe it was.

Q What county in Georgia did you come from to this country? A From Murray County.

Q What was your post-office? A Spring Place.

Q How long had you lived in that County previous to you coming to this country? A About as well as I can recollect about 3 or 4 years.

Q From what county did you go to that county? A I went from Fannin County, Ga.

Q What was your post-office in that county? A Morgantown.

Q How long had you lived in Fannin County? A Two years I believe.

Q From what County did you go to Fannin County? A From Tennessee.

Q You mean the state of Tennessee? A Yes sir.

Q Give your county and post-office in Tennessee? A Severe County.

Q What was your post-office? A Severeville.

Q Where were you born? A In Tennessee.

Q What County? A Hamilton County.

Q What Cherokee family do you possess to be a descendant from? A From the Wilkinsons; mother's side; father was a white man.

Gen'l. Brackinridge:

Mr. Brackett, the representative of the Cherokee Nation enters a protest against your enrollment in order that certain inquiries may be instituted in regard to your admission to citizenship by the Cherokee authorities in 1896, as I understand it.

You are duly identified on the roll of 1894, also on the roll of 1896. You present here an incomplete certificate or evidence

of your admission to citizenship by the Cherokee authorities in 1889. Your son, ~~Benjamin~~ Benjamin, for whom you make application, appears upon the same incomplete certificate of admission or evidence of admission. He is also identified on the rolls of 1894 and 1896. Your two younger children, Lizzie Mayes and Annie, born since you were said to have been admitted to citizenship, are identified on the roll of 1896, and the former, Lizzie Mayes, is identified on the roll of 1894. Your marriage to your wife is established in a satisfactory manner so far as the rights of these children are concerned, but the rights of all of you; that is, you and your children enumerated, for you make no application for your wife, flow from your purported admission to citizenship by the Cherokee authorities in 1889. Now, you are desired to get a duly certified copy of the judgment of the Cherokee Court or Commission by which you were admitted to citizenship in 1889, and by which as you claim your son Benjamin was also admitted in 1889, and you are desired to furnish this Commission with that duly certified copy. For the present the application for yourself and your children will be placed upon a doubtful card. If any allegations are brought forward in regard to your admission that seem to require attention on your part, you will be notified in order that you may take such steps as you think proper to protect your rights in the case, and the final decision of this Commission will be communicated to you at your post-office address.

Edward G. Rothenberger, being sworn and examined by Commissioner Breckinridge as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, Adam Brackett, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger.

Sworn to and subscribed before me this 8th day of August, 1900.

Commissioner.

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COMMISSION TO THE FIVE CIVILIZED

THE UNIVERSITY OF CHICAGO

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 16, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the
application of Adam Brackett for enrollment as a Cherokee citizen.

Appearances:

James H. Huckleberry, Sr., Sallisaw, I. T., attorney
for the applicant;
Daniel Brackett, relative of applicant;
W.W.Hastings, attorney for the Cherokee Nation.

DANIEL BRACKETT, being duly sworn and examined on behalf of
the Cherokee Nation, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Daniel Brackett.
- Q What is your age? A I don't know, I declare I don't know, about
50, 52, or somewhere along there.
- Q Do you know this Adam Brackett, the applicant? A Yes sir.
- Q How long have you known him? A I have knowed him for years.
- Q Well since you were a boy? A Yes sir.
- Q Grew up together? A Yes sir.
- Q You have known him ever since? A Yes sir, we have been together
biggest part of the time.
- Q You knew him in Alabama? A No sir, I lived in Georgia.
- Q How far did you live from him there? A About 50 or 60 miles.
- Q Did you know him when you lived in that country? A Yes, I saw
him passing backwards and forwards.
- Q I thought you said you knew him ever since you were a boy?
- A I know Adam, I say, he was passing back and forwards in the coun-
try where I lived.
- Q Was he married out there? A Not that I know of.
- Q Did you ever hear of him living with a woman and leaving her?
- A There that was in Georgia, yes sir.
- Q He did live with a woman and leave her in there? A Yes sir.
- Q Who did he come to this country with? A Why he came with Ann-
I forget her name now, he married her since he come out here.
- Q Married her after he come here didn't he? A Ann Brewster; yes sir.
- Q He never married her out there? A Not that I know of.
- Q That is your family information aint it? A Yes sir.
- Q He had been married out there in Georgia or Alabama before?
- A In Georgie, yes sir.
- Q Did he leave her out there? A Yes sir.
- Q And married this woman? A Yes sir, the same he has got here,
I don't think he married her out there; I think he just come
off with her; I am called on for evidence and I will state the
truth if I can.
- Q You never heard of his being divorced from his first woman?
- A No sir.
- Q You know in fact that he wasn't? A I don't suppose he was, now,
to tell you the truth.
- Q How long has he been in this country? A Oh he has been here, he was
here before I come, I don't know how many years he has been here,
Mr. Hastings; he has been here 15 or 20 years; he was here when I
first come to the country.
- Q You know Adam has got a young son named Ben and a girl named
Lixie and one named Annie; they are children of this last woman,
Ann? A Yes, I don't know much about them.
- Q Do you know whether this Ann had any children when he took up
with her or not? A I don't think she did.
- Q You don't think she did? A No sir.
- Q Do you know it? A No, I don't know it positive, I don't believe
she did though.
- Q Had she lived with anybody else out there as husband and wife?
- A Not that I know of; I wasn't right close to where she lived.

Q You never heard of it? A No sir.
 Q You never heard of her having any children when she took up with him? A No sir.
 Q About how long since they married in this country? A About ten or twelve years ago, it was since I came here at least.
 Q They married since 1890? A Yes sir.
 Q They married since you came to that country? A Yes sir.
 They married twice I think.

BY MR. HUCKLEBERRY:

Q Mr. Brackett, do you know of your own knowledge whether he was married to the first woman or not? A No sir, I never saw them married.

Q They lived together? A Yes sir, they was all just a little distance from me; 40 or 50 miles.

MR. HUCKLEBERRY: I want to call attention to what this gentleman says, that he appears on the roll of '51 or '2, known as the "Silar" roll. I don't know whether you have that or not.

BY COMMISSIONER: No, sir.

BY MR. HUCKLEBERRY: He also appears on the blood roll. We then close this case.

BY MR. HASTINGS: Cherokee Nation submits it.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Adam Brackett, et. al. for
enrollment as Cherokee citizens, consolidating the applications of,

Adam Brackett, et. al. . . . Cherokee D 93
Ann Brackett, " D 1465

D E C I S I O N.

--000--

The record herein shows that on August 7, 1900, Adam Brackett appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of himself and his three children, Benjamin, Lissie M., and Annie Brackett as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 17, 1902. On June 30, 1902, Ernest Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Ann Brackett, the wife of said Adam Brackett as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 16 and July 21, 1902.

An examination of the records of the Cherokee Nation, in the possession of this Commission show that Adam Brackett and his oldest son Benjamin Brackett were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1889. Lissie M. and Annie Brackett have been born since the date of their father's admission to citizenship.

The evidence shows that Ann Brackett, the mother of the above named children, lived with the said Adam Brackett as his wife from about 1876 up to 1892, and that they were formally married on May 28, 1892. Adam Brackett testifies that he was previously married and that he separated from his former wife without a divorce about 1876.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding, provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

All of the applicants herein are identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Ann Brackett lived with her said husband about four years following their marriage, and that she then left him and has not been living with him since that time.

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this nation."

The evidence further shows that Adam Brackett has resided in the Cherokee Nation since 1889. The eldest child, Benjamin, is living with his father and the two younger children are living with their mother, who has resided in the Cherokee Nation since the date of her said marriage. The residence of said children has been continuous in the Cherokee Nation from birth up to and including the date of this application.

It is, therefore, the opinion of this Commission that Adam Brackett, Benjamin Brackett, Lissie M. Brackett and Annie Brackett should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Ann Brackett, as a citizen by inter-marriage of the Cherokee Nation, should be denied under the provisions of the law above quoted, and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Brantley

Commissioner.

Muskogee, Indian Territory,
this JAN 15 1903

Sullivan I.I.

Oct 8. 1900

P. H. Hastings, Attorney for C. M.
 Sir: Having met with Judge
 Littlejohn a few days ago, and he
 informed me that the tale was
 going the rounds to the effect that
 one Mrs Maggie or Marguerite
 McKinnie was enrolled as a citizen
 by adoption at Sullivan by the
 Dams com. Said Mrs McKinnie
 was ~~was~~ the widow of one John -
 Overtaker ~~and~~ tracing
 marriage one ~~McKinnie~~ McKinnie
 (who is ~~a white~~ ^{man - a non citizen})
 since the death of said Overtaker
 would certainly forfeit her citizenship
 under Cherokee law. Also in the
 case of one Adam Bragget

please watch carefully. It is said that
 said Bracket and his woman whose
 name is Ann, never was lawfully
 married - that he Bracket left a
 wife in Alabama and sloped
 with said woman Ann and came
 to this country - Although the Brackets
 are put upon the doubtful list
 it will behoove you to watch this
 case in particulars. Any infor-
 mation that I can give you or that
 I can find out in this case will
 let you know. - let me hear from
 you.

Very truly Yours
 O. F. Adams

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-93 & D-1465 ✓

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Adam Brackett for the enrollment of himself and his three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood, and rejecting his application for the enrollment of his wife, Ann Brackett, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days, from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant.

If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-2104

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1465 & D-93

Muskogee, Indian Territory, February 13, 1903.

W. W. Hastings,

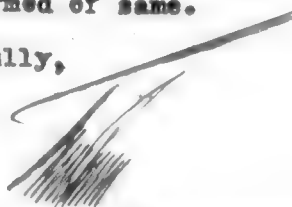
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of Adam Brackett et al., as citizens by blood, and for the enrollment of Ann Brackett as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, dated January 15, 1903, granting said application as to Adam, Benjamin, Lizzie M. and Annie Brackett, and rejecting said application as to Ann Brackett.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-93.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,.

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Adam Brackett and his three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,



Chairman.

W. L. C. C.
H. H. C. C.
C. C. C. C.

W. L. C. C.



THE MATTER OF THE APPLICATION OF

Adam Brackett et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony. August 7, 1900
- B. Mem^o. of application. " 7, 1900
- C. Certified copy of admission to citizenship
- D. Certificate showing applicant on Roll of 1851
- E. Notice of final consideration
- F. Supplemental testimony, and order closing testimony, 2/17/02

Original testimony of
Adam Brackett et al.
do. do. do. do. do.
done 2/17/01

Receipt for testimony.

Gr. called and transferred
to B. 1000 No. 10352

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING

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Department of the Interior,
Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 7th, 1900.

In the matter of the application of Samuel Holmes et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testifies as follows:

- Q What is your full name? A Samuel Holmes.
- Q What is your age? A 59.
- Q What is your post-office? A Blackgan, I.T.
- Q What is your district? A Illinois.
- Q For whom do you apply for enrollment? A Myself, wife and children.
- Q Do you apply for yourself as a Cherokee by blood? A No sir, by adoption.
- Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
- Q Is your wife on any of the rolls of the Cherokee Nation? A She is on the '94 roll, and on one or two other rolls, but I can't tell you just what rolls they are.
- Q How did she acquire her citizenship? Has she ever admitted by action of the Cherokee authorities? A I suppose so, she was born and raised here.
- Q What is your wife's name? A Sallie Holmes.
- Q What was her name when you married her? A Sallie Fleetwood.
- Q Was Fleetwood her maiden name? A Yes sir.
- Q How old is she? A 22
- Q Have you ever applied to the Dawes Commission for enrollment or admission to citizenship for yourself or any of your family? A No sir.
- Q What is it you hand me here relative to the Dawes Commission? A It is a post-office receipt for my marriage certificate which I sent once to the Commission.
- Q In what district did your wife live in her childhood? A Principally, I think, raised in this district Sequoyah.
- Q Have you a marriage license now? A No sir.
- Q Where is your marriage license? A I suppose it is in the hands of the Commission. I never received it back.
- Q Did you send your old license as well as the certificate? A I sent my marriage license in place of the certificate.
- Q When were you married? A '95, along in May or June, I couldn't be positive.
- Q You were then married to your present wife? A Yes sir.
- Q You claim through that marriage do you? A Yes sir.
- Q Is she living now? A Yes sir.
- Q You and she living together? A Yes sir.
- Q You say you sent your marriage license to the Dawes Commission? A I suppose it was in place of the certificate.
- Q Do you know whether you sent a certificate of marriage at the same time? A I did not hold but the one, that is the one that the clerk issued to me.
- Q You say you got a license to get married? A I suppose so.
- Q You are not certain whether you got a certificate of your marriage or not are you? A No sir, I don't understand whether he gave me a marriage license or marriage certificate.
- Q Who married you? A Frank Sanders, Clerk of Illinois District.
- Q Give me the names of your children and their ages? A Edward.
- Q How old is he? A 4 years old.
- Q Is he on the roll of '96? A No sir.
- Q Name of your next child? A Frankie, 2 years old.
- 1894 roll; Page 954, #468, Sallie Fleetwood, Sequoyah Dist.
- Q What is the name of your wife's mother? A Sallie Fleetwood.
- Q Is your wife's mother dead? A Yes sir.
- Q When did she die? A In '77 or '78, don't know exactly which.
- Q Is your wife's father living? A Yes sir.

Witness, Edward Fleetwood, being sworn and examined by Com'r. Breckinridge, testifies as follows:

Q Give your age? A 54 years old.
 Q What is your post-office? A Hanson.
 Q Do you know anything about the wife of this applicant, Samuel Holmes? A Yes sir.
 Q What is her name? A Sallie Holmes.
 Q Is she your daughter? A Yes sir.
 Q Is her mother living? A No sir, she's dead.
 Q When did she die? A She died in the year of '80 at the town of Muskogee.
 Q What was her name? A She had two names, one Aiosta.
 Q What was her English name? A When she went to school she was called Sallie Tieske.
 Q But as your wife, she was Sallie Fleetwood? A Yes sir.
 Q Her name cannot be found upon the roll of 1880? Can you explain that; why was she not enrolled in 1880? A Because I lived in the jurisdiction of the Creek Nation and she was dead.
 Q Was your wife a Cherokee? A Yes sir, full blood Cherokee.
 Q Have you got some neighbors and friends who knew her as a full blood Cherokee? A Not none here; plenty of them in Delaware.
 Q What rolls would your first wife, Sallie, be on before the roll of 1880? A The bread money roll.
 Q What year was that in? A 1875 I think.
 Q How would her name be on that roll? A Aiosta or Sallie Fleetwood.

r e-direct.

Com'r. Breckinridge:
 Q Mr. Holmes, it appears that you are not enrolled in 1896? Can you explain that? A The Census taker refused to enroll my wife because her mother was not on the roll of 1880. I showed him my marriage license and he said he could enroll me he thought but that he could not enroll my wife. I told him that if he could not enroll my wife I didn't think he could enroll me and I let it stand at that. He afterwards told me that he had a right to enroll me, but I did not have my license with me and nothing came of it.

Com'r Breckinridge:

Now, Mr. Holmes, your wife is found enrolled upon the blood roll of 1894. The evidence indicates that her mother was a full blood Cherokee, but was either temporarily absent when the roll of 1880 was made, or possibly was dead, and that your wife, then a child, was not just at the time in the Nation, but in the Creek Country, so her name does not appear upon the roll of 1880. Her name is not found on the roll of 1896, owing as you explained to some views entertained by the Census taker. Your wife's mother is said to be on the old bread roll of the Cherokee Nation, and further opportunity is desired to look into the status of your wife's mother, and to determine whether by any act of hers she surrendered her citizenship in the Cherokee Nation. You state that your marriage license is at present on file with the Dawes Commission at Muskogee. Your rights must flow from your marriage to your wife. The fact of your marriage must be further established by consulting the license if it be on file or by having it and a certificate of your marriage properly produced. Your two children, Edward and Frankie, are too young to be on any roll. You are desired to supply this Commission with duly authenticated certificates of their birth. For the present, your application for your wife and yourself and these two children will be placed on a doubtful card to await the further evidence and inquiries indicated. You are desired to furnish this additional evidence and the final decision of the Commission will be communicated to you at your post-office.

Witness, Taylor Hicks, being sworn and examined by Commissioner Breckinridge, testifies as follows:

Q How old are you? A 54 years old.

Q What is your post-office? A Cann.

Q How long have you lived in the Cherokee Nation? A Raised here, ever since I know.

Q Lived here all your life? A Yes sir.

Q Do you know Sallie Fleetwood that was the wife of Mr. Samuel Holmes? A No not as Sallie Holmes; knew her when she was small, that was before the war.

Q You didn't know this man's wife before the war; the one that he says he married. Her mother's name was Sallie. A That's the one.

Q Do you know this child? A I don't recollect; I knew the mother.

Q Was the mother a full blood Cherokee? A Yes sir.

Q Was she born in the Cherokee Nation? A I suppose so, we were all children together, they all talked Cherokee.

Q This Sallie Fleetwood, the mother of Sallie Holmes, did she speak English at all? A No sir.

Q Just Cherokee? A Yes sir.

Q Did she ever make her home outside of the Cherokee Nation? A Not that I know of.

Q Did she ever go out of the Indian Territory as far as you know?

Q No not that I know.

Q Do you know whether she died before or after the roll of 1880?

A No sir, I don't know which.

Q Do you know distinctly the daughter, Sallie, who married this man Samuel Holmes? A No sir, I don't.

Q It was the mother you knew mostly? A Yes sir.

Q What was her name, the mother. A Sallie Tieske.

Q Would you have known it if Mr. Fleetwood had not told you? A A Yes, I know the folks.

Mr. Hutchings, representative of the Cherokee Nation:

Q When you addressed her in full blood Cherokee what would you call her? A Its been so long, I can't pronounce it in Cherokee; I can't talk it much myself.

Q You don't know what you called her when you played with her? A I spoke English to her.

Q How long did you know her after you played with her? A I couldn't tell you that exactly; I haven't see them since the war.

Q You don't know whether Fleetwood married the woman you were talking about or not? A I don't know whether he did or not.

Q Did you know her as Fleetwood's wife? A No sir, I never saw them anymore after we left up there.

Q How do you know about her ever being married to Fleetwood or living with them? A She lived with them of course, I know Sallie Tieske.

Q Do you know she lived with Fleetwood as his wife? A I don't know.

Q Did they live together at all? A I could not tell you that.

Q You knew her as a child? A Yes.

Q When did you quit knowing her? A I haven't seen her since I can't say when, before the war. He told me about them and of course I know the family.

Q Along during her married life with Fleetwood, did you ever hear that she was living with him as his wife? A No, I could not answer you that, they might have.

Q Since she died, have you ever heard her spoken of as Fleetwood's wife? A No sir; I never saw them living together.

Q Do you know it through anybody but Fleetwood? A No sir.

Com'r. Breckinridge:

Witness, Edmund Fleetwood, being sworn and examined by Com'r. Breckinridge:

Q You are the father of this Sallie Fleetwood? A Yes sir.

Q How long after her mother's death before she came here?

Q How long after her mother's death before she came back to the Cherokee Nation? A We moved right away within three months or such a matter, and landed where I am living now.

Q Soon after 1880? A Yes sir.

Q And has Mrs. Sallie Holmes, your daughter, lived all the time in the Cherokee Nation? A Yes sir; never lived anywhere else.

Q She's lived here ever since she was a baby? A Yes sir.

Edward G. Rotherberger, being sworn and by Commissioner Breckinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, Samuel Holmes, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rotherberger

Sworn to and subscribed before me this 9th day of August, 1900,


Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 6 1900



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 20, 1900.

Samuel Holmes of Illinois District, Black Gum postoffice, prays to supplement his testimony in his former application and files herewith a statement of W. F. Sanders, former Deputy Clerk of Illinois District, to the effect that while acting in that capacity during the spring of '95, said Holmes complied with all the requirements of Cherokee law governing intermarriage, and that he, the deputy, procured his license and performed the marriage ceremony uniting him and Sallie Fleetwood, ~~whom he had previously~~ an Indian (known as such), which facts will show on the record from Illinois district now on file at the Executive department of the Cherokee Nation. This certificate and signature is certified by J. H. Gaines, notary public, under seal of his office, and the marriage license of Mr. Holmes is said to be on file at Muskogee with the Dawes Commission.

Unpublished and known to before the 19th February 10, 1908.

Notes preceding.

Following is a full and complete transcript of the transcript of the record of the proceedings and proceedings in this case, and that the record of the proceedings to the five minutes which were correctly taken by the witness, being that only three minutes were taken as shown.

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Decision of the 10th February 10, 1908.

The following is a full and complete transcript of the transcript of the record of the proceedings and proceedings in this case, and that the record of the proceedings to the five minutes which were correctly taken by the witness, being that only three minutes were taken as shown.

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Supl. C. D. #94.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 10, 1902.

In the matter of the application for enrollment as citizens of the Cherokee Nation of SAMUEL HOLMES, ET AL., set for hearing on this day, the following proceedings were had before the Commission:

Appearances:

Mr. W. S. Stanfield, Attorney for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

Com'r Needles: Anything you desire to offer, Mr. Stanfield?

Mr. Stanfield: Nothing but the Dawes Commission records admitting Eddie Fleetwood.

Com'r Needles: Applicant presents the records of this Commission for the year 1896 as to the application of Eddie Fleetwood. A copy of said record will be made part of the record in this case.

Mr. Hastings: This includes all of the record in the matter of the application of Eljerry Fleetwood, et al., for citizenship, not only before the Commission but on appeal to United States Court and the record of that Court in that case.

Com'r Needles to Mr. Stanfield: If you desire to make any statement of the case the stenographer will take it down.

Mr. Stanfield: Well, just a short statement.

Com'r Needles: Attorney for applicant desires to make the following argument as to the rights of parties:

Mr. Stanfield: In the matter of the application of Edmond Fleetwood for enrollment attorney for Fleetwood desires to call attention to the fact that Fleetwood was admitted to citizenship by the Dawes Commission in '96, as shown by their records, being a brother of the principal applicant, Eljerry Fleetwood; that he was admitted at that time under the name of Eddie Fleetwood; that from the decision of the Dawes Commission admitting Eddie Fleetwood to citizenship no appeal has been taken; the Cherokee Nation having set out in its application for appeal the names of the parties whose cases it desired to appeal from the decision of the Dawes Commission; that by the records in the case it appears that the application of Eddie Fleetwood for citizenship has never been re-considered since his admission to citizenship by the Dawes Commission.

The United States Court in passing upon the case, neither rejecting nor admitting him to citizenship, but declaring the other applicants in the case appealed from the decision of the Dawes Commission to be citizens and having been citizens all the

time; expressly refusing to admit them to citizenship, but declaring them to be citizens.

The proof on file shows that Eddie Fleetwood and Edmond Fleetwood, the party who now applies to be placed upon the roll, are one and the same party, and consequently the Edmond Fleetwood who now applies stands admitted by the decision of the Dawes Commission, without any further action upon his case.

Attorney for applicant requests a thorough examination of the records in this case before the Dawes Commission in 1896 and before the United States Court, and especially the application for appeal by the Cherokee Nation from the decision of the Dawes Commission admitting the parties to citizenship. The same request is made in the case of Samuel Holmes, et al., and Nora Webster et al., kindred cases to this case.

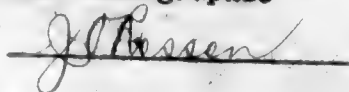
Mr. Hastings: The representatives of the Cherokee Nation contend that the applicant, Edmond Fleetwood, is not a citizen of the Cherokee Nation either by blood or adoption; that his name does not appear upon any of the rolls of the Cherokee Nation, and therefore comes under the Act of May 31, 1900, unless admitted by the Dawes Commission or the Court on appeal under the Act of June 10, 1896, and contends that he was not admitted either by the Dawes Commission or by the Court on Appeal, and points to the record on file in this case to show that this contention is true.

The Cherokee Nation contends that the name of this applicant does not appear in the original application, was not admitted by the Commission, and was not admitted by the Court on appeal.

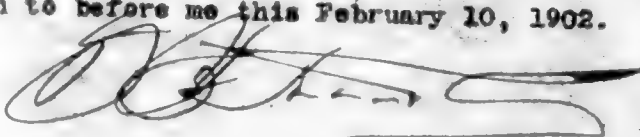
Mem'r Needles: This case will be considered closed as to any further testimony, and the parties will be notified of the final decision of the Commission in the matter.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 10, 1902.



Commissioner.

Sept 18, 1905

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CONFIDENTIAL

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Y. J. Q. J. T. G. C. A. Q. Q.

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INVESTIGATION

CHARTERED

601

APPLICATION FOR READMISSION AND
ENROLLMENT

Before the Honorable Henry L. Daves, Frank C. Armstrong, Archibald S. McKennon, Thomas D. Cabaniss and Alexander B. Montgomery, constituting the United States Commission to the Five Civilized Tribes.

Eljerry Fleetwood,

Sarah Ward,

LaFayette Teel,

Samuel Weeks,

Susan Palmore,

....., Ward,

Johnnie Fleetwood,

Finnie Fleetwood,

Zelma Fleetwood,

Lavera Fleetwood,

Cassie Brown,

Louie I. Brown,

Nyrtle Brown,

Lottie Brown,

Stephen Edwards,

Minerva J. Teal,

William LaFayette Teal,

Nannie Teal,

Stephen D. C. Edwards,

Martha W. Brown,

Willie Weeks,

Andrew Palmore,

Grover Cleveland Ward,

....., Ward,

Roxie Fleetwood,

Arizona Fleetwood,

Willie Fleetwood,

Julley Fleetwood,

William D. Brown,

Martha Brown,

Grover Brown,

Zelma Edwards,

Nana Edwards,

Carrie Ann Teal,

John Hugh Teal

PETITIONERS:

VERSUS

The Cherokee Nation of the Indian Territory,

RESPONDENT

Come now the above named petitioners in person and by their Attorneys Don Carlos and Stanfield and make this their application and petition to this Honorable Commission for the purpose of being placed on the revised roll of the Cherokee Indians and of those Cherokee Indians entitled to share in the distribution of funds and allotments of land and other property in the Cherokee Nation by virtue of their Cherokee blood and extraction, and herewith submit the evidence hereto attached and made part hereof, to-wit:-

The affidavit of Lucinda Fleetwood,	Marked Exhibit,	2.
The affidavit of Charles Wickliffe,	marked Exhibit,	2.
The affidavit of Nathaniel Fish,	marked Exhibit,	3.
The affidavit of Rachel Smith,	marked Exhibit,	3.
The affidavit of William Matoy,	marked Exhibit,	4.
The affidavit of E. D. Carey,	marked Exhibit,	5.
The affidavit of Walter A. West,	marked Exhibit,	6.
The affidavit of James C. Childers,	marked Exhibit,	7.
The affidavit of Nancy Star,	marked Exhibit,	8.
The affidavit of William Matoy,	marked Exhibit,	9.
The affidavit of J. L. Ward,	marked Exhibit,	10.
The affidavit of James Tineup,	marked Exhibit,	11.
The affidavit of Peter Dick,	marked Exhibit,	12.
The affidavit of Watson Sanders,	marked Exhibit,	13.
The affidavit of Wilson Cimlin,	marked Exhibit,	14.
The affidavit of Wilson or Wee lee- source,	marked Exhibit,	15.
The affidavit of Simon Johnson,	marked Exhibit,	16.
The affidavit of T. M. Ruffington,	marked Exhibit,	17.
The affidavit of Stephen D.C. Edwards,	marked Exhibit,	18.
The affidavit of W. G. Brown,	marked Exhibit,	19.
The affidavit of Willie Weeks,	marked Exhibit,	20.
The affidavit of W. S. Stanfield,	marked Exhibit,	21.
The affidavit of Eljerrey Fleetwood,	marked Exhibit,	22.
The affidavit of John W. Webb,	marked Exhibit,	23.
The affidavit of Stephen D.C. Edwards,	marked Exhibit,	24.
The affidavit of William C. Woodall,	marked Exhibit,	25.
The affidavit of LaFayette Teel,	marked Exhibit,	26.
The affidavit of W. C. Woodall,	marked Exhibit,	27.
" " " Stephen D.C. Edwards,	" "	28.
" " " J. A. Deshazo,	" "	29.

Your petitioners in further support of this application make reference to and part hereof the documentary evidence hereto attached, to-wit:-

The Administrator's Bond of Lucinda Fleetwood to the Judge of the District Court of Delaware District of the Cherokee Nation. marked Exhibit "A."

The certified copy of the Marriage Record of Delaware District of the Cherokee Nation showing the grant of a license to a Citizen of the United States to marry Sarah Fleetwood, a Citizen of the Cherokee Nation, marked Exhibit "B."

The certified copy of the Jury Record of Delaware District of the Cherokee Nation showing LaFayette Teel was summoned as a Juror in a Cherokee Court, marked Exhibit "C."

The certified copy of the Common Law Record No. 27 of the Court of the United States within and for the Western District of Arkansas showing the trial of Stephen D. C. Edwards and the verdict of the Jury that, that Court had no jurisdiction.

marked Exhibit "D."

The certified copy a portion of the Record in the office of Indian Affairs in the Department of the Interior of the United States of America at Washington, D. C., showing an excerpt copy of one of the Cherokee Record Books that shows the agreement of Hoseah Morgan Sr., to remove and settle with his family on the land provided for the Nation West of the Mississippi, on condition that he be paid by the United States for his abandoned improvements,

marked Exhibit "E."

The certified copy of a portion of the Record in the office of Indian Affairs in the Department of the Interior of the United States at Washington, D. C., showing the improvements of Hoseah Morgan near the Missionary on the High Wasa River and the value of the same,

marked Exhibit "F."

The certified copy of a portion of the Record in the office of Indian Affairs in the Department of the Interior of the United States at Washington, D. C., showing that Hoseah Morgan Sr. was the head of a Cherokee family of ten persons who started from the Cherokee Agency East on the 14th day of March 1834, in company of a number of other Cherokee Indians under the direction of Lieut. J. W. Harris for a removal West of the River Mississippi,

marked Exhibit "G."

Your petitioners make reference to and part hereof the different rolls of Cherokee Indian Citizens which your petitioners believe will disclose the names of a number of your petitioners. Your petitioners make particular reference to and part hereof the rolls of Cherokee Citizens taken prior to the time of the removal of the said Hoseah Morgan Sr., to-wit: Prior to the 14th day of March 1834 which your petitioners believe contains the name of Hoseah Morgan Sr., an ancestor of your petitioners.

That none of your petitioners have ever taken any allotment of land or other property nor have any of your petitioners ever violated the treaty laws or treaties existing between the United States and the Cherokee Nation. That none of your petitioners have ever become a member or Citizen of any other Tribe, State, Nation or Government.

The names and ages of your petitioners and the relation they bear to your petitioner verifying this application are as following,-

Names	Ages	Relationship to Petitioner.
Stephen D. C. Edwards,	(51)	Affiant,
Eljerry Fleetwood,	(40)	Maternal Uncle,
Sarah Ward,	(44)	Maternal Aunt,
Martha W. Brown,	(38)	Maternal Aunt,

LaFayette Teel,	(38)	Maternal Half Brother,
Willie Weeks,	(17)	Maternal Cousin,
Samual Weeks,	(15)	Maternal Cousin,
Andrew Palmore,	(21)	Maternal Cousin,
Susan Palmore,	(19)	Maternal Cousin,
Grover Cleveland Ward,	(12)	Maternal Cousin,
.....Ward, (son)	(10)	Maternal Cousin,
.....Ward, (son)	(8)	Maternal Cousin,
Johanie Fleetwood,	(18)	Maternal Cousin,
Roxie Fleetwood,	(16)	Maternal Cousin,
Minnie Fleetwood,	(13)	Maternal Cousin,
Arizona Fleetwood,	(12)	Maternal Cousin,
Zelma Fleetwood,	(9)	Maternal Cousin,
Willie Fleetwood,	(6)	Maternal Cousin,
Luvana Fleetwood,	(4)	Maternal Cousin,
Juley Fleetwood,	(2)	Maternal Cousin,
Cassie Brown,	(17)	Maternal Cousin,
William D. Brown,	(14)	Maternal Cousin,
Loolie I. Brown,	(12)	Maternal Cousin,
Martha Brown,	(12)	Maternal Cousin,
Myrtle Brown,	(8)	Maternal Cousin,
Grover Brown,	(4)	Maternal Cousin,
Lottie Brown,	(2)	Maternal Cousin,
Zelma Edwards,	(13)	Daughter,
Stephen Edwards,	(11)	Son,
Emma Edwards,	(12)	Daughter,
Minerva Jane Boswell,	(17)	Daughter of Maternal Half Bro
Carrie Ann Teel,	(14)	Daughter of Maternal Half Bro
William LaFayette Teel,	(10)	Son of Maternal Half Brother.
John Hugh Teel,	(8)	Son of Maternal Half Brother.
Nannie Teel,	(1)	Daughter of Maternal Half Bro

Wherefore your petitioners pray that their names be placed upon the revised roll of Cherokee Indians and that they be admitted to membership in the Cherokee Nation of Indians. And that they be accorded all of the rights, privileges, benefits and immunities awarded to any other member of the Cherokee Nation.

(Signed) Stephen D. C. Edwards.

Subscribed and sworn to before me this the 4th day of Sept. 1896.

o-o-o-o-o

(Signed) Harry E. Don-Carlos.

: SEAL :

o-o-o-o-o

Notary Public, My Commission Expires May 11th, 1900.

EXHIBIT "1."

OFFICE OF DIST. JUDGE DEL. DIST.

June 20th, A. D., 1887.

Personally came before me, L. J. Ward, Judge of the District and Nation aforesaid, at my office on day and date above written, Lucinda Fleetwood of lawful age, who after being duly sworn deposed

and saith: We lived betwixt Valley River and Little Hiwassee River in Toccoee District and went to school at Jones' Mission. We enrolled under Major B. P. Curry, United States enrolling officer, and he deliv'd us to Lieutenant Harris at Callhoun where we took water in 1834 in Flat Bottom Boats and came to Water-loo-- when we took steam boats and came 40 miles above Little Rock at a place called Burnt Caddens--From there we traveled to Fort Gibson in Government wagons. My father died at Burnt Caddens and John Miller took charge of the family and brought us on and attended to the drawing of Rations and supplies as furnished by the government for use of the family. I have lived in the Cherokee Nation ever since with the exception of 8 years when I was first married. I married a soldier at Fort Gibson and went to Leavenworth untill my husband served out two terms of 4 years and I come right back again to the Cherokee Nation. From this marriage resulted the following children

Minerva	was the oldest,	aged, borned Nov. 10th,	1835.
Lorinso	Borned	May 1st,	1837.
Charles	"	Feb. 13	1839.
William	"	Oct. 27,	1840.
Miles	"	Aug. 13,	1842
Prura	"	Aug 24,	1844.
Edmond	"	Mch. 6	1846
Hewston	"	May 31	1848
Delpheny	"	April 22,	1850.
Sarah	"	April 20,	1852.
Quilla	"	June 26,	1854.
Eljerry	"	April 30,	1856.
Martha Do.	"	May 11,	1858
Lucinda	"	April,	1851.

Of the above named children Minerva, Lorenzo, William, Charles, Aquilla, Delpheny, and Lucinda are dead, and to my daughter Minerva were born Lafayette Teal, Steve Edmond and Lucy Tincup. And to my son Aquilla four children were born. Their names are Johnnie, Arizona, Roxie and Minnie Fleetwood.

To my daughter Prura were born Joe Co-- Eddie Johnson. This is as far as I kn--

I have always been recognized as a Cherokee ever since I can recollect untill within the last few years. I went to a school where no one was allowed to go to school but Cherokees, have exercised all the privileges guaranted to Cherokees untill recently. Bought and sold improvements and made improvements on the public domain, and the purchase and sale was always considered valid. My son's voted at Elections without a challenge, in fact, I have never knew any other place as home. I never recognized any other place as such and have always believed myself a Cherokee Indian and never knew a doubt existed otherwise untill this matter got up. And further deponent saith not.

(Signed) Lucinda Fleetwood.

Sworn to before me on this the 20th day of June A. D. 1887.

(Signed) J. L. Ward,

Judge Del. Dist. C.N.

P.S.--This certifies that I have known witness for years and never knew or heard anything against her character.

(Signed) J. L. Ward, J. D. D. O. N.

over:

Attest this 28th day of July, 1888.

(SEAL)

(Signed)

P. L. Walker, Depty
Clerk Del. Dist. C. N.

Endorsements on back of Exhibit "1" are as follows:

7102.

Affidavit of Lucinda Fleetwood

INDIAN OFFICE

31108 H 1894

Incl. No. 4.

Eljerry Fleetwood

Witness

or

Lucinda Fleetwood

O. K.

No. 12.

COMMISSION ON CITIZENSHIP.

Tahlequah, Chas. Nat.

Sept. 15th, 1894

LUCY FLEETWOOD

VS.

EXHIBIT "2"

CHEROKEE NATION

Judge Chas. Wickliffe introduced and sworn testifies as follows: I am acquainted with Lucy Fleetwood, the claimant. I first knew her in North Carolina. I went to school together there. The school we went to was the Valley Town Mission. I knew her father Hosa Morgan. I knew her mother Arnee. Hosa Morgan's Cherokee name was Gunts (Buffalo). He left North Carolina in 1838, and came to Calhoun. He had three boys and five girls, eight children in all. The Morgan family was called Cherokees by some people, and Catawba by others. Two, or Arnee, talked Cherokee a little. No one at that time disputed that they were Cherokees. They lived in the Cherokee Nation and owned an improvement. I live in Saline District. My age is 64 years.

The school, Valley Town Mission, where I and Lucy Fleetwood went to, was entirely of Cherokee children. I do not know where Hosa Morgan, or his wife got their Cherokee blood. It is on account of her looks, and general features, I judge the claimant to be Cherokee. Her father Hosa Morgan had long hair, and looked like a full Cherokee. His hair was straight and did not look like it was mixed with anything. Arnee wife of Hosa Morgan had only hair somewhat like it was mixed. They did not come at time of the general emigration. They came to this country in 1834. After they came I saw Lucy, the claimant, several times. They lived in Delaware District.

(Signed) Charles Wickliffe.

Sworn to and subscribed before me this Sept. 15th, 1884.

John L. Adair,
Clark Com.

EXECUTIVE DEPARTMENT, C. N.

Aug. 5th, 1896.

I hereby certify that the three foregoing pages of manuscript is a true copy of the original.

(Signed) W. H. Mayes,
Asst. Executive Secty.

(SEAL)

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EXHIBIT "3"

Affidavit of Nathaniel Fish in re Lafayette Teel.

My name is Nathaniel Fish; I am about 86 years of age. I am a member of the Cherokee tribe of Indians. I was born in the State of Georgia about thirty miles from North Carolina. I lived there until after I was married. I was removed from there in 1839, and brought into the Cherokee Nation, I. T. I have lived in the Nation ever since. I was acquainted with Hosesa Morgan while I was living in Georgia. I was well acquainted with him while there; that I never saw him after about 1835. I was acquainted with his children while there. I have known and seen his descendants ever since I have been here. I know that they were always known and recognized as Cherokees. I know Lafayette Teel. I have known of him all his life. I know that he is a descendant of Hosesa Morgan. His mother Minerva Teel, nee Fleetwood, was the daughter of Lucinda Fleetwood, nee Morgan, the daughter of Hosesa Morgan. These descendants have always been considered and recognized as citizens of the Cherokee Nation. They have always enjoyed and exercised all the rights of citizenship. During many years I lived as near neighbors to them being only about 18 miles apart with the same churches & schools. I know that they were considered Cherokees and not Catawbas.

(Signed) Nathaniel Fish.

AFFIDAVIT OF MRS. RACHEL SMITH.

My name is Rachel Smith. I am about 75 or 76 years of age. I was born in Georgia. My maiden name was Rachel Buffinton. I was removed to the Cherokee Nation in about 1837. I was acquainted with the children of Hosesa Morgan. I attended school with three of them at Jones' Mission there. When my father, Charles Buffinton, moved to the Mission he bought the place of Hosesa Morgan. Hosesa Morgan and his family were considered Indians and enjoyed and exercised the rights of citizenship there. I have been acquainted with his descendants ever since I have been here in the Nation, having lived as neighbors with them during that time and the families living only about 8 miles apart. I am well acquainted with Lafayette

Teel have known him all his life. I know that he is a descendant of Hosea Morgan through his mother. His mother, Minerva Teel, nee Fleetwood, being the daughter of Lucinda Fleetwood, nee Morgan. My old schoolmate the daughter of Hosea Morgan. They have always been considered citizens and have enjoyed and exercised the rights of citizenship all the time. Minerva Teel the Granddaughter of Hosea Morgan has three children, Lafayette Teel is the youngest, of the family.

(Signed) Rachel Smith.
Mark.

Witness:
W. S. Bartlett.

I hereby certify that the above affidavits were taken before me at my office in Fort Smith, Ark., through Stephen Edwards, an interpreter, who was first duly sworn and were subscribed and sworn to before me this 27th day of July, A. D., 1889.

(Signed) W. S. Bartlett,
Notary Public.

(SEAL)

STATE OF ARKANSAS,)
COUNTY OF SEBASTIAN :

FORT SMITH DISTRICT.

I, J. P. Durden, Clerk of the Circuit court within and for said county of Sebastian, do hereby certify that W. S. Bartlett whose signature appears to the foregoing instrument of writing, is, and was on the 27 & 29th days of July, 1889, an acting and duly commissioned Notary Public within and for the county aforesaid, that his official acts are entitled to full faith and credit, and that his signature is genuine, as I verily believe.

IN TESTIMONY WHEREOF, I have hereunto set my hand as such clerk and affixed the seal of said court at my office this 28th day of August, 1896.

(Signed) J. P. Durden, Clerk.
By Edgar L. Stegall, D. C.

(SEAL)

Endorsements on back of Exhibit "3" are as follows:

Affidavits of Nathaniel Fish and Mrs. Rachel Smith,
in Re Lafayette Teel.

C

INDIAN OFFICE

31108.

1894.

Inclous. No. 6.

Eljerry Fleetwood.

No. 19.

EXHIBIT "4"

UNITED STATES OF AMERICA.)
INDIAN TERRITORY, : SS.
NORTHERN DISTRICT)

I, William Maaty, of lawful age after being duly sworn on oath depose and say as follows, to-wit:- That I am about eighty years old and live in the Cherokee Nation, Delaware District and my Post office is South West City, Mo. I am a Cherokee Indian by blood and recognized as such.

That I lived in the old Nation, now in the State of North Carolina and that while I lived there I was acquainted with Hosea Morgan Sr. and went to school with his children in the old Nation. That he had a child by the name of Lucinda Morgan. That they moved from the old Nation to the Cherokee Nation, with the emigrants under J. W. Harris, about 1834. That I did not come to the Cherokee Nation for some time after this, about 1873, and when I came to the Cherokee Nation I found the above mentioned Lucinda Morgan here in the Indian Territory, Delaware District, in about four or five miles of Maysville, Ark. She represented to me that she was a widow having married a man by the name of Fleetwood, and he having died.

his
(Signed) William X Maaty.
mark.

Witness
(Signed in Cherokee)

Subscribed and sworn to before me this the 1st day of August, 1896, and I hereby certify that I erased the words "That" and was and inserted the words "now" and "for" before the affiant signed and swore to the same. and that I made the affiant acquainted with the contents thereof prior to his signing the same.

(Signed) W. S. Stanfield.
Notary Public. My Commission Expires September
17th, 1899.

(SEAL)

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EXHIBIT '5'

UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF THE : SS.
INDIAN TERRITORY.)

I, B. D. Carey, of lawful age after being duly sworn on oath deposes and says, that I am sixty-four years past. That I live on Grand River at Carey's ferry in the Indian Territory. I have resided in the Cherokee Nation for about sixty-one years that I was about three years old when my parents moved here from North Carolina in the old Nation. I am a recognized Cherokee Indian by blood. I knew Charles and Lucinda Fleetwood who lived together as husband and wife about the year 1854 near Carey's ferry. That they had quite a large family of children but do not know the names of them all. Those that I do remember were named, Menerva, Lurena, Charley, William, Miles, Ed and Houston, and other that I cannot remember now. That Menerva Fleetwood afterwards lived with a man by the name of Edwards as husband and wife and that there was born to them one child by the name of Stephen D. C. Edwards. That it was reported that the husband of Menerva Edwards, was Fleetwood, died soon after the birth of Stephens D. C. Edwards. After his death

his wife and her son Stephen D. C. Edwards lived at my house for some time. While she was living at my house she had born to her another boy as she told me by her second marriage to a man by the name of Teel. That the said child was named La Fayette Teel and as I understood he, La Fayette Teel, was and is a half brother to Stephen D. C. Edwards.

(Signed) W. D. X Caray
mark.

Witness mark:

Stephen D. C. Edwards.

Subscribed and sworn to before me this the 11st day of July, 1896. And I certify that the erasures on the words "Luna," "Teel", "born to her" and the interlining of the words "Fleetwood" and "house" were made by myself prior to the signing by the affiant and that I made the affiant acquainted with the contents thereof before he signed the above affidavit.

(Signed) W. S. Stanfield
Notary Public, My Commission expires September 17th, 1899.

(SEAL)

EXHIBIT 6.

UNITED STATES OF AMERICA)
INDIAN TERRITORY : SS.
NORTHERN DISTRICT.)

I, Walter A. West, being first duly sworn on oath depose and say my name is Walter A. West my age is fifty five years I am a Cherokee Indian by blood and reside in the Cherokee Nation, where have reside all my life except during the late war. When a small child I became acquainted with Charles and Lucinda Fleetwood, they were husband and wife and in about the year 1881 resided with their children about seven miles East of the Saline Works in what is now Saline District of the Cherokee Nation. Charles and Lucinda Fleetwood were the parents of a large family of children consisting of Minerva, Lorenzo, Miles, Charles, William and James and possible others whom I have forgotten. I lived about five hundred yards from this family at the time above mentioned and my acquaintance continued with said family until the breaking out of the war, when I left the Cherokee Nation.

(Signed) Walter A. West.

Subscribed and sworn to before me this the 29th day of July, 1896.

(SEAL)

(Signed) Harry E. Don-Charles.
Notary Public, My Commission Expires May 11th, 1900.

The following endorsements on back of Exhibit "6".

Eljerry Fleetwood. Affidavit of Walter A. West.

EXHIBIT 7.

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY, : SS.
 NORTHERN DISTRICT)

I, James C. Childers being first duly sworn on oath depose and say my name is James C. Childers, I am 48 years of age and reside in the Seneca Indian Reservation in the Northern District of the Indian Territory. I lived with my parents before the late war in the state of Missouri about eighty rods from the Indian Territory line and I have a distinct recollection of many of our neighbors, among whom were Charles Fleetwood and his wife, Lucinda Fleetwood, and their children. The Fleetwood's lived in the Indian Territory about twelve miles from my father's home and I was well acquainted with them. The father and mother were Charles and Lucinda and they lived together as husband and wife and their children were Minerva, a girl who was married and a number of other children among whom were Miles, Edmond, Quilla, Newton, Jerry, (Eljerry,) Sarah, Delphany, and possible one or two others whose names I have forgotten. About the year 1872 I became acquainted with Stephen D. C. Edwards and was told by the said Lucinda Fleetwood that he, the said Edwards was the son of the daughter of Lucinda and Charles Fleetwood, to wit: the son of Minerva Fleetwood who had married a man by the name of Edwards. Several of the other Fleetwood children also told me that said Stephen D. C. Edwards was Minerva's child.

(Signed) James C. Childers.

Subscribed and sworn to before me this 22th day of July, 1896.

(Signed) Harry E. Don-Carlos.

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

EXHIBIT 8.

Northern Judicial Division, Delaware District, C. N.

Personally appeared before me, M. L. Grazier, a Notary Public, Nancy Star, being sworn according to law make oath to the following statement: I am a Cherokee by blood. My present age is 90 years old. I am a citizen by blood and a resident of the Cherokee Nation. I was well acquainted with Lucinda Morgan in the old Nation; I lived near neighbors to her in the old Nation. I know that she is a Cherokee by blood; her mother was an Indian; she was my aunt; she was my father's sister. My father's name was Vah chee sah. I was acquainted with Lucey's mother. Her name was called Awee. Awee husband name was Jansee. We came to the Cherokee Nation together. The mother of the claimant was a full blood Cherokee Indian. The affiant further states under oath that she has no interest, direct or indirect in the prosecution of the claim. her/

(Signed) Nancy Star.

Witness:

O. H. Bruner, M. D.

mark

Sworn and subscribed to before me M. L. Grazier N. P.
this the 18 day of August, 1896. My term expires Jan 20, 1897.
(SEAL)

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EXHIBIT 9.

UNITED STATES OF AMERICA,)
: SS.
WESTERN DISTRICT OF ARKANSAS.)

In the case of Martha W. Brown claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory:

Personally came this day before me William F. Rasmus, a Commissioner U. S. Dist. Court, within and for the District aforementioned duly authorized to administer oaths William Matoy to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and says: My name is William Matoy, my age is about 70 years, my post office is Southwest City, Mo., I am a farmer by occupation, I am a citizen of the Cherokee Nation.

And affiant declares in relation to the abovenamed case as follows, to-wit: I was personally well acquainted with Hoseah Morgan, Sr. Decd. and his family in the old Cherokee Nation East, on Nockly river, what is now Cherokee County North Carolina, for some time prior and up to the year 1834. Said Hoseah Morgan Sr. Decd. was there known, and acknowledged to be a Cherokee Indian by blood, and from his personal appearance judged him to be such, the same as many other well known Cherokees. That he does not now remember the name of said Hoseah Morgan's wife; that he was intimately well acquainted with three of their children, one called Lucinda Morgan, a girl, one called Frankie Morgan, a girl, one called Hoseah Morgan, a boy, that his home was then only about two hundred or three hundred yards from the residence of said Hoseah Morgan Sr. Decd. That he has information the said child Lucinda Morgan married a man named Charles Fleetwood, and that the claimant, Martha W. Brown, nee Martha W. Fleetwood is the daughter of said Lucinda Fleetwood, nee Lucinda Morgan. That said Hoseah Morgan Sr. Decd. with his family was enrolled by the United States Government as Cherokee Indians, in the old Cherokee Nation aforementioned, and were in a detachment of about four hundred (400) Cherokees by the U. S. Government removed to the Indian Territory.

his
(Signed) William X Matoy
mark.

Attest mark
Edward Byrd.
F. O. Ghormley

Subscribed and sworn to before me at Tahlequah Ind. Terry. this seventeenth day of November A. D., 1894.

(Signed) W. F. Rasmus,
United States Commissioner.

(SEAL) O. K.

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EXHIBIT 10.

UNITED STATES OF AMERICA,)
NORTHERN DISTRICT OF THE : SS.
INDIAN TERRITORY.)

I, J. L. Ward of lawful age after being duly sworn on oath depose and say as follows, to-wit:- I am fifty one years old and resident of Delaware District, Cherokee Nation. I have been acquainted with Rachel Smith for about twenty eight years and have lived about six or seven miles apart and I never heard anything derogatory to her character. She is a very old lady. I further depose and say that at the request of Lucinda Fleetwood I wrote to the Department at Washington City, D. C., for information as to whether Hosia Morgan was shipped here as a slave or as an indian and in reply the Department sent me a portion of the rolls showing the name of Hosia Morgan and others who were brought here under J. W. Harris. The Department also sent me a letter stating that there was abundant evidence there showing that Hosia Morgan was a recognized citizen and held property in the old Nation in what is now North Carolina, Georgia, Tennessee and part of Alabama.

(Signed) J. L. Ward.

Subscribed and sworn to before me this the 3rd day of August, 1896. And I further certify that I erased the word "years" before the affiant signed and swore to the above affidavit.

(Signed) W. S. Stanfield,
Notary Public, My Commission expires
September 15th, 1899.

(SEAL)

OFFICE OF J. L. WARD,
Judge Delaware District, Cherokee Nation, I. T.

CHEROKEE NATION/)
DELAWARE DISTRICT)

EXHIBIT 11.

April 24th, A. D., 1889.

Personally appeared before me the undersigned authority James Tincup who after being duly sworn states as follows. I am a citizen of the Cherokee Nation of lawful age and have been acquainted with Lucinda Fleetwood, the Grandmother of LaFayette Teel, have known Teel and his mother about 22 years. LaFayette Teel's mother and Grandmother all lived together. I first knew them and LaFayette's mother was the wife of Wilson Crinlin who had at that time two other children older than LaFayette that was the issue of a former marriage. Teel must have been 6 or 9 years of age when I first saw them. Their Indian blood was questioned at times, but they were recognized as Citizens. LaFayette afterward served on Juror, acted as Deputy Sheriff, guard and so. I believe it a malicious accusation to defame the character of the family by some designing persons that this report was circulated. Edmond Fleetwood an uncle of LaFayette never has been disputed as a Cherokee and received his per capita votes and is identified in every respect not only as a Cherokee but as a citizen. LaFayette voted in our elections and was not questioned as to his right to vote as other Cherokees, a further deponent saith not.

(Signed) James Tincup.

Subscribed and sworn to before me on this the 24th day of April
A. D., 1889.

(Signed) J. L. Ward, Judge Del.
Dist. C. N.

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EXHIBIT 12.

OFFICE OF J. L. WARD,
Judge Delaware District, Cherokee Nation, I. T.

Maysville, I. T., July 27th, A. D., 1888.

CHEROKEE NATION.)
DELAWARE DISTRICT.: SS.

Peter Nick of lawful age resident of Delaware district Cherokee Nation after being duly sworn states as follows, to-wit:

I have known S. D. C. Edwards and Lafayette Teel since we were boys together and never knew or heard other than that they were brothers. I have known them about 20 or 25 years, the same mother acknowledged both as her children. The boys (S. D. C. Edwards and Lafayette Teel) always called her mother. I was raised up with them. Their mother's name was Minerva Wilson at the time I first became acquainted with them. Further deponent saith not.

his
(Signed) Peter X Nick.
mark.

Witness to mark:

S. D. C. Edwards.

The above named (Peter Nick) personally appeared and made oath that the foregoing declaration by him subscribed is true. Before me.

(Signed) J. L. Ward.

Judge Del. Dist. C. N.

Attest this 28th day of July A. D., 1888.

(Signed) P. L. Walker, Depty Clerk Del. Dist.
C. N.

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OFFICE OF J. L. WARD.
Judge Delaware District, Cherokee Nation, I. T.

EXHIBIT 13.

April 27th A. D., 1889.

CHEROKEE NATION.)
DELAWARE DISTRICT.)

Personally appeared before me the undersigned authority Watson Sanders who after being duly sworn states as follows: I have been acquainted with Lafayette Teel about 20 odd years, and never knew him to be other than a Cherokee Indian. Who enjoyed all the rights of other Cherokees. He voted at elections without challenge, served on Juries, served as guard in Sheriff's Possee, acted as Deputy sheriff in serving subpoenas, and was generally counted as a peaceable & reliable citizen. Lafayette Teel's mother was the wife of

Wilson Cimlin and a daughter of Lucinda Fleetwood. They lived in this neighborhood or the locality. I live in ever since I first knew them. I live in Delaware District, Cherokee Nation, Indian Territory. And further Deponent saith not.

his
(Signed) Watson T Sanders.
mark.

Subscribed and sworn to before me on this the 27th day of April A. D. 1889.

(Signed) J. L. Ward,
Judge Delaware Dist. Cher. Nation.

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EXHIBIT 14.

OFFICE OF J. L. WARD,
Judge Delaware District, Cherokee Nation, I. T.

April 24th A. D. 1889.

CHEROKEE NATION }
DELAWARE DISTRICT }

Personally came before me the undersigned authority Wilson Cimlin who after being duly sworn states as follows: I was husband to the mother of Lafayette Teel and she was a daughter of Lucinda Fleetwood. I married Lafayette Teel's mother when Lafayette was about four years old. I never heard of her being anything but a Cherokee Indian. I am a full blood Cherokee and cannot talk the English language nor understand it, and my wife (Teel's mother) spoke the Cherokee language. If Teel is anything else but a Cherokee Indian I have never known it. I have heard that Teel's Indian blood was disputed but have always thought it was the work of enemies to try and throw a slur upon the family. I have known the family about 27 years & just now and then or at rare intervals this dispute as to their origin would spring up. So far as my knowledge goes I believe they are Cherokee Indians the same as I am. Further deponent saith not.

(Signed) Wilson Cimlin.

Sworn & Subscribed to before me on the day and date above written.

(Signed) J. L. Ward,
Judge Del. Dist. Cher. Nation.

Endorsements on Back:

"Affidavit of Wilson Cimlin, 7102. F 31108 Indian Office, Indos. No. 9, 1894. Eljerry Fleetwood, Affidavit of Wilson. No. 10."

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EXHIBIT 15.

OFFICE OF J. L. WARD,
Judge Delaware District, Cherokee Nation, I. T.

Battle Prairie,
Mayaville, I. T., 1888.

CHEROKEE NATION.)
DELAWARE DISTRICT.)

Wilson, a Cherokee Indian of lawful age resident of Delaware District, C. J., who after being duly sworn according to law, States that he (Wilson) married the mother of Lafayette Teel and Steve Edwards in 1860 or thereabouts, that she (the mother, Minerva Fleetwood) had these two children at the time he married her, that Lafayette Teel was about two years old then, and Steve Edwards a little older, that his wife (Minerva) claimed the two boys as brothers, and he never heard it denied, I lived with her about ten years, and she kept the boys until her death always claiming them as her son's. And Further Depoant saith not

his
(Signed) Wilson K. or Wee-lee-see-nee
mark

Witness to mark.
J. L. Ward

The above named (Wilson) personally appeared and made oath that the foregoing declaration by him subscribed is true. Before me
(Signed) J. L. Ward,
Judge Del. Dist. C. N.

over.
Attest this 28th day of July, A. D. 1888.
(Signed) P. L. Walker, Depty Clerk
Del. Dist. C. N.

(SEAL)

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EXHIBIT 16.

CHEROKEE NATION.
DELAWARE DISTRICT, I.T.)

Personally came before me the undersigned authority, Simon Johnson who after being duly sworn states as follows: I live in Delaware District, Cherokee Nation, Indian Territory and have been acquainted with Lafayette Teel about 23 years. When I first got acquainted with Teel he lived here in the Nation and was recognized as an Indian & no effort all this time has ever been made to put him out, as is done with people who are non citizens. During this time I have known Lafayette Teel to vote at elections without challenge, to serve as guard to posse for Sheriff, to make improvements and sell the same and the title was considered good as emanating from a citizen of the Cherokee Government. And I from all these facts firmly believe him to be a Cherokee Indian. As I am a full blood Indian & cannot understand the English Language. But have had this matter thoroughly explained through an Interpreter & I hereby subscribe to the above statement.

(Signed) Simon Johnson.

Subscribed & Sworn to before me on this the 29th day of April A. D. 1889.

(Signed) J. L. Ward,
Judge Delaware District,
Cherokee Nation, I. T.

Endorsements: 7102. G. Affidavit of Simon Johnson, G.
Indian Office 31105. Incols. No. 10. 1894. El Jerry Fleetwood.

EXHIBIT 17.

UNITED STATES OF AMERICA)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.)

Do it remember that on this the 22nd day of August, A. D. 1896 personally appeared before me the undersigned Notary Public, within and for the District aforesaid, T. M. Buffington to me personally known who deposes and says as follows: That I am a Cherokee Indian by blood and am Circuit Judge of the Cherokee Nation, of the Indian Territory. That I am well acquainted with

Watts West,

E. D. Carry

J. L. Ward, District Judge of Delaware District, Cherokee Nation Indian Territory,

Rachel Smith

Eljerry Fleetwood (Two lines in ink drawn through this name.)

Peter Nick, (Two lines in ink drawn through this name.)

Wat son Sanders. (Two lines in ink drawn through this name.)

James Tineup

Simon Johnson (Two lines in ink drawn through this name.)

William Matoy,

Wilson Cimlin (Two lines in ink drawn through this name.)

and know them to be creditable and responsible persons and that their oaths are entitled to full faith and credit. I have known these men well and intimately for a great many years and know them to be men of Honor and Integrity and that the reputation each of them bears for truth and veracity is good.

(Signed) T. M. Buffington.

Subscribed and sworn to before me this the 22nd day of August, A. D. 1896, (Signed) W. S. Stanfield,

Notary Public, My Commission Expires September 17th, 1899.

(SEAL.)

EXHIBIT 18.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.) SS.
NORTHERN DISTRICT.)

Be it remembered that on this the 26th day of August A. D. 1896 personally appeared before me the undersigned a Notary Public within and for the Northern District, Stephen D. C. Edwards to me personally known who deposes and sayeth as follows, to-wit-

That I was personally acquainted with one Judge Chas. Wickliff during his life time and know that he departed this life in the fall of 1889. And that he is the same Judge Chas. Wickliff who gave the above and foregoing testimony. And for this reason, he having departed this life, and it being impossible for me to procure new testimony, I herewith file the above and foregoing transcript of his testimony given before the Citizenship Commission at Tahlequah, Cherokee Nation, Indian Territory, September 16th, 1884.

(Signed) Stephen D. C. Edwards.

Subscribed and sworn to before me this the 26th day of August, A. D. 1896, (Signed) W. S. Stanfield,

(SEAL) Notary Public, My Commission Expires September 17th, 1899.

EXHIBIT 19.

UNITED STATES OF AMERICA,) :
NORTHERN DISTRICT, : SS.
INDIAN TERRITORY.)

Be it remembered that on this the 12th day of August, 1896, personally appeared before me a Notary Public within and for District and Territory aforesaid W. G. Brown, to me personally known who after being duly sworn according to law on his oath depose and says as follows to wit:-

That I am the husband of Martha W. Brown nee Fleetwood one of the applicant for citizenship in the Cherokee Nation, claiming her right to said citizenship through her ancestor Hesia Morgan Sr., and his descendants. That my wife Martha W. Brown is a sister of Eljerry Fleetwood and that there has been born and now living to our marriage, children of the said Martha W. Brown, viz:- Cassie Brown, a girl aged, 17 years, William D. Brown, a boy, aged 15 years, Lula J. Brown, a girl, aged 12 years, Martha Brown, a girl, aged 10 years, Myrtle Brown, a girl aged 8 years, Grover Brown, a boy, aged 4 years, Lottie Brown, a girl aged 2 years. That I am informed and verily believe that my wife's mother Lucinda Fleetwood was enrolled on the rolls of 1849 as an old settler which rolls were made for the purpose of distribution of the Cherokee funds. But that said name appears on the said roll as Lucinda Flatfoot, that her husband during his life time made an attempt to have the same corrected and to draw the said money, but owing to some difficulty that sprang up between her husband and the pay-master who was paying out said funds the same was never corrected. And that it appears of record that the said funds belonging to the said Flatfoot (Fleetwood) have never been paid out and are remaining uncalled for to this day as will appear by reference being made to the records of said old settlers payment.

(Signed) W. G. Brown,

Subscribed and sworn to before me this 12th day of Aug. A. D. 1896.

(Signed) W. S. Stanfield,
Notary Public, My Commission Expires
September 17th, 1899.

(SEAL.)

EXHIBIT 20.

1.

UNITED STATES OF AMERICA,) :
INDIAN TERRITORY : SS.
NORTHERN DISTRICT.)

I, Willie Meeks being first duly sworn on oath depose and say, my name is Willie Meeks, I am 17 years of age and a Cherokee Indian by blood, my home is with my cousin on my mothers side, Stephen D. C. Edwards, near Vinita in the Cherokee Nation. My parents were George Meeks and Delpheny Meeks nee Fleetwood, who died when I was small leaving but two children viz. myself and my younger brother Samuel Meeks. I am the same Willie Meeks referred to in the petition herewith for the enrollment as Cherokee Indians of the heirs of Hesia Morgan Sr. And also referred to in the different affidavits submitted herewith.

My brother Samuel is now about fifteen years of age and resides with our maternal aunt Mrs. Sarah Ward, nee Fleetwood in Sequoyah District of the Cherokee Nation and as the Samuel Weeks referred to in the petition and affidavits above mentioned. I further on oath state that I was notified in the winter of 1895 by the Cherokee authorities that I was entitled to the payment of \$15.50 as a Cherokee Indian and that in pursuance of such notification I drew my said money.

(Signed) Willie Weeks.

Subscribed and sworn to before me this the 30th day of July, 1896.

(Signed) W. S. Stanfield.

(SEAL.)

Notary Public,

My Commission Expires September 17th, 1899.

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EXHIBIT 21.

UNITED STATES OF AMERICA,) :
INDIAN TERRITORY. : SS.
NORTHERN DISTRICT.)

I, W. S. Stanfield, being first duly sworn on oath depose and say, as follows, to-wit: That I am a duly commissioned and acting Notary Public within and for the Northern District of the Indian Territory and that on the 3rd day of August, 1896. I went to the residence of Mrs. Rachel Smith for the purpose of taking her affidavit to be used in the case of Eljerry Fleetwood, I was informed before I went there that her condition was such that it was not necessary for me to go, in as much as she would not be able to give me the affidavit. I was informed by her neighbors that she had the consumption and was in the last stages and that her mind was affected. I found her to be a very old lady and lying in the corner of a room on a bed nailed to the wall and closed in with mosquito bar to keep the flies off and in such a condition as to be almost suffocated by the heat. That she was twisting and turning upon her bed and groaning and talking and muttering to her self all the time. That to me she seemed to be very low. I talked with her some but could not succeed in fastening her mind upon a subject for any length of time. I talked with her concerning the Fleetwood case and all that I could get from her on the subject was that she could not make an affidavit now because of the condition of her mind, and that she had made a former affidavit in which she told all that she knew. Owing to her condition I did not take any affidavit from her because it would have been unintelligible, if I could have gotten at all more & over it would not have been competent testimony, because of her condition.

(Signed) W. S. Stanfield.

Subscribed and sworn to before me this the 17th day of Aug/ 1896.

(Signed) Harry E. Don-Charles.

(SEAL)

Notary Public.

My Commission Expires May 11th, 1900.

EXHIBIT 22.

UNITED STATES OF AMERICA,
NORTHERN DISTRICT OF THE 8S.
INDIAN TERRITORY.

I, Eljerry Fleetwood, being first duly sworn on oath depose and say my name is Eljerry Fleetwood, my post office is Remy, Ind. Ter., my age is forty years. I am a son of Charles and Lucinda Fleetwood. My mother's maiden name was Lucinda Morgan and she was a daughter of Hesia Morgan, Sr. Said Hesia Morgan Sr. being the Hesia Morgan Sr. who was one "of a company of Cherokees who set out from the Cherokee agency East on the 14th day of March, 1834 under the direction of Lieutenant J. W. Harris for a removal West of the River Mississippi" as well more fully appear by the official report of said removal on file in the Department of the Interior at Washington, D. C. I further on oath state that my brothers and sisters names are as follows, with their ages as nearly as I can give them, to-wit:

Minerva,	a girl	born about	1835
Lorenzo,	a boy	"	1837
Charles	"	"	1839
William	"	"	1840
Miles	"	"	1842
Prura	" girl	"	1844
Edmond	" boy	"	1846
Hewston	"	"	1848
Delpheny	" girl	"	1850
Sarah	"	"	1852
Quilla	" boy	"	1854
Martha W.	girl	"	1858
Lucinda	a girl	"	1861.

That my said sister Minerva married a man by the name of Abraham Edwards about the year 1853 and to whom was born one son viz. Stephen D. C. Edwards about the year 1855. That my said sister Minerva was married again in about the year 1857 to a man by the name of John Teel, and to whom was born one son viz. Lafayette Teel about the year, 1858. I further depose and say that I and all of my brothers and sisters were born and raised in the Cherokee Nation of the Indian Territory. And that all of said brothers and sisters including myself that are now living reside and always have resided in said Cherokee Nation. That my said sister Delpheny married a man by the name of George Meeks about the year 1877 and to whom were born two sons viz. Willie Meeks about the year 1879 and Samuel Meeks about the year 1881 and that my said last named sister departed this life about the year 1881.

That my said sister Sarah married a man by the name of R. P. Palmore about the year 1874 and to whom was born one son viz. Andrew Palmore, about the year 1875. That my said sister Sarah was married again in about the year 1881 to a man by the name of Jerry Ward and to whom were born several children the names and ages of whom I am unable to give. That my said brother Quilla married a woman by the name of Lurinda Meeks about the year 1876 and to whom were born four children viz. Johnie Fleetwood, a son aged about eighteen years, Rosie Fleetwood a girl aged about sixteen years, Minnie Fleetwood a girl aged about thirteen years and Arizona Fleetwood a girl aged about twelve years. That my said brother Quilla departed this life about the year 1884. That I was married about the year 1885 to a woman by the name of Sarah Coates and to us have been born and are now living four children, to-wit: Zelma Fleetwood, a girl born July 28th, 1887, Willie Fleetwood a boy born

about July 1st, 1890, Luvena Fleetwood a girl born about December 22nd, 1892 and Juley Fleetwood a girl born December 16th, 1894. That my said sister Martha W. married a man by the name of Gentry Brown about the year 1875 and to whom were born several children the names and ages of whom I am unable to give. That my said sister Minerva's son Stephen D. C. Edwards married a woman by the name of Aalice A. Gill about the year 1877 and to whom have been born and are now living three children viz. Zelma Edwards a girl born about 1883, Stephen Edwards a son born about the year 1885, and Emma Edwards a girl born about the year 1894. That my said sister Minerva's son LaFayette Teel married a woman by the name of Nannie Heston about the year 1878 and to whom have been born and are now living five children viz. Minerva Jane Teel now married to John Boswell born December 8th, 1879. Carrie Ann Teel a girl born about the year 1882, William LaFayette Teel a boy born about the year 1886, John Hugh Teel a boy born about the year 1888, Nannie Teel a girl born about the year 1895. I further on oath state that I have made diligent search and inquiry among the Cherokee People and in public records and find that my grandfather the said Hosia Morgan Sr. was a Cherokee Indian by blood and that he lived with the Cherokee Indians near the Valley and Little Hiwassee Rivers in North Carolina and that he was well known by them and by them treated and regarded as a Cherokee Indian and enjoyed all of the rights, privileges and benefits of a member of the Cherokee tribe of Indians and was in truth and in fact a Cherokee Indian and that his name appeared on the Cherokee Rolls as such. That my grandfather the said Hosia Morgan Sr. about the year 1834 entered into a contract, as a Cherokee Indian with the United States government by its Indian agent Hugh Montgomery in which he released his interest in the Cherokee lands situated East of the Mississippi River and bound himself to remove and permanently settle with his family on the land provided for the Cherokee people West of the Mississippi and that he was to receive pay for his abandoned improvements on his settlement West of the Mississippi River. That in said contract my said grandfather was recognized and treated with by the United States government as a Cherokee Indian. That I understand my said grandfather Hosia Morgan Sr., died of Cholera while removing to this Nation and that his wife and children continued their journey to the present Cherokee Nation where they all resided until the times of their death.

his
(Signed) Eljerry K Fleetwood
mark.

Witness mark.

W. S. Stanfield.

Subscribed and sworn to before me this the 28th day of July, 1896.

(Signed) Harry E. Don-Carlos.

(SEAL)

Notary Public, My Commission Expires May 11th, 1900

Endorsements: Eljerry Fleetwood, Affidavit of Eljerry Fleetwood.

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EXHIBIT 23.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
NORTHERN DISTRICT.)

I, John W. Webb, being first duly sworn, on oath depose and say that my name is John W. Webb, that I am 38 years of age and my post office is Vinita, I. T. I am a Citizen of the United States. I was a witness for the United States Government in the case of the United States vs. Stephen D. C. Edwards tried before Judge Isaac C. Parker in the United States Court for the Western District of Arkansas in the City of Ft. Smith Arkansas on or about the year 1886. That I heard the instructions given by said Judge Parker to the Jury trying said case and among other things said Judge Parker instructed said Jury that if they believe from the evidence the said Stephen D. C. Edwards was a Cherokee Indian by blood and if they further believe from the evidence that Quilla Fleetwood the man whom the said Stephen D. C. Edwards was then on trial for killing was a Cherokee Indian by blood they should discharge the said Stephen D. C. Edwards. The said Judge Parker further said to the said Jury in substance, that the evidence introduced showed beyond any question that the dead man Quilla Fleetwood and the said Stephen D. C. Edwards were Cherokee Indians by blood. I further state that the said Stephen D. C. Edwards above referred to is the same Stephen D. C. Edwards who is now making application to be placed upon the Cherokee Indian Rolls. I further state that Lucinda Fleetwood testified as a witness in said case and in her testimony stated that she was a Cherokee Indian by blood and stated that the dead man Quilla Fleetwood was her son and further stated that the man then on trial being the said Stephen D. C. Edwards was her grand son.

(Signed) John W. Webb.

Subscribed and sworn to before me this the 22nd day of August, A. D. 1896.

(Signed) Harry E. Don-Carson.

(Seal)

Notary Public, my Commission Expires May 11th, 1900.

EXHIBIT 24.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY, : SS.
NORTHERN DISTRICT.)

I, Stephen D. C. Edwards, being first duly sworn on oath depose and say that my name is Stephen D. C. Edwards, I was born in Delaware District of the Cherokee Nation in the Indian Territory on the 27th day of October, 1855, and am therefore nearly forty one (41) years of age. I have resided in the present Cherokee Nation all of my life and I now reside with my wife and children in the Cherokee Nation about ten (10) miles South of the town of Vinita, Vinita Indian Territory, being my post office and the post office of my children. I am the only son of Abraham and Minerva Edwards. My father died in my infancy and my mother afterwards married a man by the name of John Teal and by whom one child was born, to-wit: my maternal half brother Lafayette Teal. I am a Cherokee Indian by blood, deriving the Cherokee blood in my veins from my mother whose maiden name was Minerva Fleetwood, she, my mother being one of a large family of children born in lawful wedlock to Charles Fleetwood and Lucinda Fleetwood his wife. My mother deriving the Indian blood in her veins from her mother Lucinda Fleetwood whose maiden name was Lucinda Morgan and she, my grandmother Lucinda Fleetwood nee Lucinda Morgan was a daughter of Hoses Morgan and his wife A-See Morgan both

of whom I understand were full blood Cherokee Indians and members of the Cherokee tribe and Nation of Indians, and who enjoyed all of the rights, privileges, benefits and immunities of members of the Cherokee tribe of Indians.

I at my great grand father the said Hosea Morgan Sr. lived with the Cherokee Indians near the Hiwassee river and was treated and claimed by the Cherokees and was in fact one of them. That the Government of the United States treated and dealt with my said great grand father the said Hosea Morgan Sr. and in all of its contracts and dealings with him, recognized him as a Cherokee Indian. That said Hosea Morgan Sr., was one of a Company of Cherokee Indians who started to emigrate from the Cherokee Agency East on the 14th day of March 1834, West of the Mississippi River under the direction of Lieutenant J. W. Harris. And that I understand said Hosea Morgan Sr., died of cholera while en route to this Nation.

That I was well acquainted with my grand mother the said Lucinda Fleetwood and her complexion, hair and general appearance and every action indicated that she was an Indian by blood, she talked the Cherokee language fluently and I have heard her say that she was a daughter of Hosea Morgan Sr., and that she was born in the old Cherokee Nation East. My said grand mother treated my mother as her daughter and I have frequently heard both my mother and my said grand mother say that my mother was her, my said grand mother's daughter. After my mother's death I lived with my said grand mother and was treated by her and spoken of by her as her grand son. My said grand mother lived near Beattys Creek in the present Cherokee Nation at the time of her death, prior to my grand mother's removal to Beattis Creek she lived at Fort Gibson, where my mother was born. I understand that my said grand mother was married to Charles Fleetwood a United States Soldier at Fort Gibson in the present Cherokee Nation. My mother lived all of her life in this Cherokee Nation and died on Beattis Creek in Delaware District and is buried there. My mother understood and talked the Cherokee language fluently and my said half brother Lafayette Teel and myself thoroughly understand the Cherokee language and I can remember which, the Cherokee or English language I learned to talk first. I also read the Cherokee language and have frequently been used in both the Cherokee and United States Courts as an interpreter.

Several of my mother's brothers and sisters have been recognized as Cherokee Indians by blood by the Cherokee Nation and as such have drawn money, had issued to them marriage licenses and in other ways been regarded by the Cherokee people as members of the Cherokee Nation or tribe of Indians by blood, and now, a number of

the children of my said mother's brothers and sisters, my cousins are recognized and enrolled Cherokee Indians by blood in deriving the Cherokee blood in their veins from their parent the brother or sister of my mother as the case might be and tracing back their Indian blood to our common ancestor Hosea Morgan Sr. That about the year 1861 my mother married a Cherokee Indian by the name of Wilson and from that time until my mother's death in 1869 my said half brother Lafayette Teel was generally known by the name of Fats Wilson and I was known as Steve Wilson and it maybe we appear on some of the Cherokee rolls under those names. My said half brother Lafayette Teel and I were always considered as Cherokee Indians by blood and I always supposed that I was properly enrolled as a Cherokee up to the year 1879 or 1880 and the first I knew to the contrary was when I went to draw money I think in 1880. At that time upon learning my name and others of my relatives had been what the Cherokee Officers called "Red Inked" my grand mother the said Lucinda Fleetwood on behalf of herself and those of her children and grand children whom we were informed were not recognized as Cherokee Indians by blood, made application to the Cherokee authorities for citizen-

ship and enrollment. And since 1860 my said grand mother and others of her decedents have made various applications to the Cherokee authorities for readmission, and to this day the said Cherokee authorities have never passed upon any of our said applications except in one ~~at~~ instance when they decided against my said half brother Lafayette Teel my mother's sister Mrs. Martha W. Brown and me and that decision was rendered after our said application and the evidence in support had been withdrawn from a Committee or Court created by the Cherokee National Council and known as the Adair Commission. That the reason of the withdrawal of the application for Citizenship from the Cherokee authorities before a decision was rendered by said authorities thereon, was that on or about the year 1868 my said half brother Lafayette Teel was placed upon trial in the United States Court at Fort Smith Arkansas, charged with killing a certain Cherokee Indian by blood and that one of the defenses made by my said half brother Lafayette Teel was that said United States Court did not have jurisdiction in said case for the reason that he, the man killed and he, said Lafayette Teel were both Cherokee Indians by blood and said evidence together with said application were withdrawn from the files of the Cherokee authorities so that said evidence might be used on the trial of said case in said Court in Fort Smith to show that he my said half brother Lafayette Teel was a Cherokee Indian by blood. That I attended said trial in the United States Court at Fort Smith and know that a large part of the documentary evidence attached herewith was used as evidence in said trial. That at the time of said killing my said brother was acting as a Posse for a Dupty United States Marshal and the Judge of said Court instructed the Jury trying said case in substance that if the defendant, my said half brother was assisting a United States Marshall or Policeman or was in the employ of the General Government the defence or the fact of him being a Cherokee Indian would avail him nothing. That on or about the year 1877 I was married to a woman by the name of Alice A. Gill and that there have been born to my said wife and myself in lawful wedlock and are now living, three children, to-wit:

Zelma Edwards, a daughter, now about 13 years of age
Stephen Edwards, a son, now about 11 years of age,
Emma Edwards, a daughter, now about 18 months of age.

That Lucinda Fleetwood whose affidavit is herewith attached taken before J. L. Ward, Judge of Delaware District of the Cherokee Nation departed this life some 8 or 10 years ago. That Nathional Fish whose affidavit is herewith attached taken before W. S. Bartlett on the 29th day of July 1889, departed this life on or about the year 1892.

That on or about the year 1885 I was placed on trial in the United States Court at Fort Smith Arkansas charged with killing my mother's brother, Quilla Fleetwood being the same Quilla Fleetwood mentioned in different affidavits attached herewith and being the father of Johnie Fleetwood, Roxie Fleetwood, Minnie Fleetwood, and Arizona Fleetwood, who in this same application of Eljerry Fleetwood to which this affidavit is attached are asking to be enrolled as Cherokee Citizens by this Hon. Commission. That in my said trial at Fort Smith one of my defenses was that both the dead man Quilla Fleetwood and I were Cherokee Indians by blood and in support of my position, I introduced and the Hon. Isaac C. Parker the Judge presiding at said trial permitted to be read as evidence the paper herewith attached marked Exhibit G, the same being a certified copy of the record in the Department of the Interior at Washington D. C. showing that Hosea Morgan Sr., and his family were members of a Company of Cherokee Indians who started from the Agency Post to emigrate to the Cherokee Nation West of the Mississippi River;

That said Judge Parker instructed the trial Jury in said case that if they believed the dead man Quilla Fleetwood and myself were both Cherokee Indians by blood they should discharge me. And he further stated in substance to the said Jury, that the evidence showed that the dead man Quilla Fleetwood and I were both Cherokee Indians.

My grand mother Lucinda Fleetwood testified in said trial that she was a Cherokee Indian by blood and she was the daughter of Hosea Morgan Sr., whose name appears on said Exhibit G, herewith attached and herein above referred to. She further testified that the said dead man Quilla Fleetwood was her son and that I was her grand son. I have made an effort to procure from the Clerk of the United States Court at Fort Smith a certified copy of the instructions and of the evidence bearing on my Citizenship but was informed by a letter from said Clerk to my Attorneys Don-Carlos & Stanfield that at the time of said trial no appeals were permitted and for that reason the evidence and instructions had not been reduced to paper and consequently he could not furnish them. That the Jury trying said case of mine returned a verdict that the Court trying the same had no jurisdiction thereof and I was discharged as will more fully appear by reference being had to Exhibit B., which is herewith attached and made a part hereof. That I have procured from the Department of the Interior at Washington, D. C., a certified copy of an agreement entered into by the United States through its Indian Agent with my said great grand father Hosea Morgan, Sr., as will more fully appear by reference being had to Exhibit E which is hereto attached and made a part hereof. That on or about the month of August, 1896 I procured from the Department of the Interior at Washington, D. C. a certified copy of the record showing the prices placed upon and the improvements owned by my said great grand father Hosea Morgan Sr., as will more fully appear by reference being had to Exhibit F., which is herewith attached and made a part hereof.

That several of the affidavits herewith attached appear to have been taken for some time, and I have not procured new affidavits in their stead for the reason that other affidavits are herewith attached recently executed that cover practically the same ground. That J. L. Ward who made affidavit marked Exhibits 10, herewith attached post office is Mayesville, Arkansas, but he lives in the Cherokee Nation. That Mayesville Arkansas is the post office of Watson Sanders who makes the affidavit herewith attached and marked Exhibit 13. That Mayesville Arkansas is the post office of Peter Nick who makes the affidavit herewith attached and marked Exhibit 12. That Pryor Creek, I. T. is the post office of James Tineup who makes the affidavit herewith attached and marked Exhibit 11. That Mayesville Arkansas is the post office of Simon Johnson who makes the affidavit herewith attached, and marked Exhibit 16. That Mayesville Arkansas is the post office of Wilson or Wae lee See Nee or Wilson Cimlin whose affidavits are herewith attached and marked Exhibits 15 & 14. That said Wilson, Simon Johnson, James Tineup, Watson Sanders and Peter Nick all reside in the Cherokee Nation. That I am the same Stephen D. C. Edwards mentioned in the other affidavits herewith attached and in the application for citizenship and enrollment made by my maternal Uncle Eljerry Fleetwood on behalf of himself and others.

(Signed) Stephen D. C. Edwards.

Subscribed and sworn to before me this the 27th day of August, A. D. 1896

(SEAL)

(Signed) Harry E. Don-Carlos,

Notary Public, my Commission Expires May 11th, 1900.

EXHIBIT 25.

UNITED STATES OF AMERICA,
INDIAN TERRITORY. : SS.
NORTHERN DISTRICT.)

I, William C. Woodall being first duly sworn on oath state, My name is William C. Woodall, I am a half blood Cherokee Indian and speak and understand the Cherokee language. I am well acquainted with Stephen D. C. Edwards and Lafayette Teal of Vinita, Ind Ter. and know that they both speak and understand the Cherokee language for I have talked with them and heard them talk in that language.

(Signed) William C. Woodall.

Subscribed and sworn to before me this 30th day of July, 1896.

(Signed) Harry E. Don-Charles.

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

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EXHIBIT 26.

UNITED STATES OF AMERICA,
INDIAN TERRITORY. : SS.
NORTHERN DISTRICT.)

I, Lafayette Teal, being first duly sworn on oath depose and say that my name is Lafayette Teal, my post office is Vinita Indian Territory. I was born in Delaware District Cherokee Nation on the 25th day of May 1858, and am a Cherokee Indian by blood. I have lived all of my life in the Cherokee Nation and my mother was born here before me. I am the son of Minerva Teal who was the wife of Abraham Edwards before she married my father and my mother's son Stephen D. C. Edwards and I are half brothers. My mother's maiden name was Minerva Fleetwood and she was a sister of Elberry Fleetwood who has filed an affidavit in this case and in whose name our application for enrollment on the Cherokee Indian Citizenship rolls is being prosecuted. My mother died on or about the year 1883. I was well acquainted with my maternal grand mother Lucindia Fleetwood, here in this Nation and have heard her state many times that she was a daughter of Hootis Morgan Sr., whose name appears upon the muster rolls of a Company of Cherokee Indians who started in 1834 for the Cherokee Nation west of the Mississippi River under the direction of Lieutenant J. W. Harris. I have also heard my grand mother the said Lucindia Fleetwood state that Minerva, (my mother) Lorenzo, Charles, William, Miles, Prura, Edmond, Hustin, Delphany, Sarah, Quilla, Martha W., Lucindia and Elberry Fleetwood were her children. I was present when my said grand mother Lucindia Fleetwood made the affidavit marked exhibit 1 which is herewith attached and know that the same was carefully read over to her and that she fully understood the contents thereof before executing the same, and that at said time my said grand mother was in possession of all her mental faculties and fully understood what she was swearing to.

I further on oath state that from my earliest childhood I have talked the Cherokee language and that my mother and my maternal grand mother talked the Cherokee language. That I have acted as interpreter to translate into English the Cherokee language in the

United States Court at Fort Smith and in the Cherokee Courts of the Cherokee Nation, and that my said half brother Stephen D. C. Edwards also talked the Cherokee language fluently. That I have been summoned by the Cherokee Authorities to serve on Juries in the Cherokee Courts and have so served as will more fully appear by reference being made to page 21 of the record of criminal cases of the Circuit and Supreme Court in the Clerk's Office of Delaware District and by reference being made to exhibit C which is attached herewith, and that I have served as a Juror in the trial of causes in the Cherokee Courts. That on or about the year 1888 in an action then pending in United States Court at Fort Smith in which my Citizenship was in question, evidence was sought to be introduced showing that a commission or Committee created by the Cherokee Authorities and known as the Adair Commission had decided that I was not a Cherokee Indian by blood; the said Adair Commission basing their decision upon the testimony of one Charles Wickliffe and James Waford and that in the trial above referred to in Fort Smith the Honorable Isaac C. Parker sole Judge presiding decided the decision of the said Adair Commission above referred to could not be used in evidence to show that I was not a Cherokee Indian by blood or entitled to Cherokee citizenship upon the ground that said Adair Commission had acted in said matter without my presence and without giving me an opportunity to be heard and that the proceedings and findings of said Adair Commission were Ex Parte and irregular or in other words that as far as my case was concerned before said Adair Commission I had not "had my day in Court."

That up to the year 1880 my half brother Stephen D. C. Edwards, my maternal Uncle Eljerry Fleetwood, Edmond Fleetwood, Miles Fleetwood, Quilla Fleetwood and myself voted and took part in the Cherokee election, served on juries and in many ways exercised the rights of Cherokee Citizens and up to said period of 1880 I supposed I was a Cherokee Indian Citizen and that my name appeared as such upon the proper Cherokee Indian rolls as it should have done. I further state that in 1880 my maternal grand mother sought to discover whether her name appeared as it should upon the Cherokee Indian rolls of Citizens and that she was refused an examination of said rolls where upon she made application to the Cherokee authorities to have her name placed on said rolls together with her children and grand children and great grand children but that for some reason her said application was never decided. That afterward to-wit in 1887 my mother's sister Martha W. Fleetwood then married to a man by the name of Brown and I made application to the Adair Commission herein above referred to to be placed upon the roll of Cherokee Indian Citizens and that afterward to-wit on or about the month of July 1888 our said application and the evidence in support thereof was withdrawn from said Adair Commission by my said half brother Stephen D. C. Edwards at the instance of my said Aunt Martha W. Brown and myself so that said evidence could be used in the trial above referred to in the United States Court at Fort Smith, Arkansas. And that afterward to-wit on or about the month of August 1888 the said Adair Commission notwithstanding the fact that the application and evidence in support thereof of my said Aunt Martha W. Brown and myself had been withdrawn from further consideration by said Adair Commission rendered a decision to the effect that my said Aunt Martha W. Brown and I were not entitled to enrollment as Cherokee Citizens by blood.

That I in the name of Lafayette Teel referred to in the petition for citizenship of Eljerry Fleetwood herewith attached and in the various affidavits and official records herewith attached.

That the two children Willie Meeks and Samuel Meeks whose affidavits are herewith attached are orphans and sons of my mother's sister Delphery. That my said half brother Stephen D. C. Edwards has

three living children, to-wit: Selma, Stephen and Emma and that they are the same persons whose names are referred to in the said petition of the said Eljerry Fleetwood. That I have five living children, to-wit: Minerva Jane Teel, born December 8th, 1879, Carrie Ann Teel, born November 25th, 1880, William Lafayette Teel, born February 21, 1881, John Hugh Teel, born April 5th, 1888, and Fannie Teel, born February 8th, 1895. That my said daughter Minerva Jane Teel was married on or about the month of January 1896 to one John Boswell and whose Post Office is Vinita Indian Territory. That notwithstanding the efforts that have been made by myself and my maternal relatives to have the question of our citizenship decided by the proper authorities of the Cherokee Nation our applications have never been passed upon except in the one instance herein above referred when the said Adair Commission pretended to say we were not entitled to enrollment and that after our application and the evidence in support of it had been withdrawn, and that decision the said United States Judge Parker held could not be used as evidence to show that I was not a Cherokee Citizen for the reasons above mentioned.

(Signed) Lafayette Teel.

Subscribed and sworn to before me this 11th day of August, A. D. 1896.

(Signed) Harry E. Don-Carlos,

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

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EXHIBIT 27.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
NORTHERN DISTRICT.

SS.

I, W. C. Woodall being first duly sworn on oath state. I am a Cherokee Indian by blood residing in the Cherokee Nation. My post office is Vinita, I. T. During the year 1878 I was the District Judge of Delaware District Cherokee Nation and that while I was the Judge of said District Lucinda Fleetwood was by me appointed the administratrix of the estate of Charles Fleetwood, deceased, and as such administratrix she filed a bond which I identify as the same bond on this and the same day to me and which I herewith attach to this affidavit. That before appointing said Lucinda Fleetwood administratrix I enquired of her if she was a bona fide citizen of the Cherokee Nation and she said she was. I have since heard she was not a recognized citizen of said Nation.

(Signed) W. C. Woodall,

Subscribed and sworn to before me this 28th day of August, 1896.

(Signed) Harry E. Don-Carlos,

(SEAL)

My Commission Expires May 11th 1900.

Notary Public.

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EXHIBIT 28.

UNITED STATES OF AMERICA,
INDIAN TERRITORY : SS.
NORTHERN DISTRICT.

I, Stephen D. C. Edwards being first duly sworn on oath state that my name is Stephen D. C. Edwards, and that the children mentioned in the petition herewith attached as Grover Cleveland Ward, Ward, and Ward are the children born in lawful wedlock to my mother's sister Sarah Ward and her husband Jerry Ward. That my said Aunt Sarah Fleetwood first married a man by the name of R. P. Palmore and to whom were born two children, Andrew Palmore and Susan Palmore and afterwards she was again married to a man by the name of Jerry Ward, and that all of said children to-wit: Andrew Palmore, Susan Palmore, Grover Cleveland Ward, Ward a son, and Ward a son, are the children of my said Aunt Sarah and are co-petitioners, with me in the aforesaid application.
(Signed) Stephen D. C. Edwards.

Subscribed and sworn to before me this the 7th day of September, 1896.

(Signed) Harry E. Don-Carlos.

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

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EXHIBIT "29."

UNITED STATES OF AMERICA,
INDIAN TERRITORY : SS.
NORTHERN DISTRICT.

I, J. A. Deshazo, being first duly sworn according to law, depose and say that my name is J. A. Deshazo, I am 52 years of age and my post office is Vinita, I. T. I was well acquainted with Lucinda Fleetwood whose children and grand children are making application for Cherokee Citizenship and enrollment, and the said Lucinda Fleetwood looked to be at least a half blood and she and all of her children were known to be Cherokee Indians. They lived in the Cherokee Nation and I lived within 2 miles of them for several years. The said Lucinda Fleetwood married on my wife at the birth of two of our children. I was personally acquainted with this family, and there is no doubt in my mind, but what they are Cherokee Indians. Stephen D. C. Edwards was a grand son of said Lucinda Fleetwood. I have no interest either directly or indirectly in the result of their application.

(Signed) J. A. Deshazo.

Subscribed and sworn to before me this the 7th day of Sept, 1896.

(Signed) Harry E. Don-Carlos.

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

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EXHIBIT A.

CHEROKEE NATION
DELAWARE DISTRICT.

Know all men by these presents that we Lucinda Fleetwood as principal Administrator of the estate of Charles Fleetwood dead, and Edmond Fleetwood and Miles Fleetwood as Securities are held and firmly bound unto W. G. Wooddall Judge of the District Court of Del Dist C. N. or his successor in office in the penal sum of \$750.00 Seven hundred and fifty Dollars lawful money of this Nation recoverable in any of the Courts of this Nation having Cognizance of the Same.

Conditions of the above bonds are such that said Lucinda Fleetwood having been duly appointed the lawful administratrix of the estate of Charles Fleetwood, Citizen of this Nation by adoption (Dead) will faithfully act as administratrix of said estate according to law for administrations then the above bond to become null and void otherwise to remain in full force and virtue in law. We therefore bind ourselves our heirs assigns and administrators to the fulfillment of the above obligations. Whereof we hereunto set our hands and cause our seal this the 2d day of Dec. A. D. 1872.

her
(Signed) Lucinda X Fleetwood
mark
his
(Signed) Edmond X Fleetwood
mark
his
(Signed) Miles X Fleetwood
mark.

Endorsements:

Bond of Lucinda Fleetwood.

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EXHIBIT B.

CHEROKEE NATION
DELAWARE DISTRICT.

This is to certify that R. P. Palmer a citizen of the U. States was granted a license to marry Sarah Fleetwood a citizen of the Cherokee Nation on the 20th of May 1874 and the license returned executed on the 29th day of May 1874 and is hereby recorded on 8th day of Aug. 1874.

In conformity with the Act entitled an Act to provide for licensing of citizens of the U. States Intermarrying with citizens of the Cherokee Nation. Approved Oct 18th 1855.

Signed J. E. Harlin Clerk
Del Dist C. N.

I hereby certify that the above is a true copy of the original record on page 99 of the marriage records of this office.

(Signed) P. L. Walker, Depty
Clerk Del Dist C. N.

(SEAL)

Endorsements: Indian Office, Inclos. No. 15 1894. L.
Elizerry Fleetwood, Record of Marriage License.

DELEWARE DISTRICT)
CHEROKEE NATION }

EXHIBIT C.

Cherokee Nation vs Looney Che-nuc-quee.

Special Circuit Court convened for the trial of Looney Che-nuc-quee Judge J. J. Mayes presiding when the following named persons appeared according to citation to serve as jurors to wit:

Nor	1	R. F. Wily	No.	13	Arak Bruner
"	2	James Ward	"	14	Moses Ward
"	3	Yell Hasting	"	15	Thos Ward
"	4	S. N. Melton	"	16	John Ward
"	5	Wat Sanders	"	17	Hog Shooter
"	6	James Yergain	"	18	O lor-War-Stee-Sky
"	7	Zeke Starr	"	19	John Hunter
"	8	Robt Tittle	"	20	Lafayette Teal
"	9	Dock Harrison	"	21	John Cou tryman
"	10	Jacob Hiser	"	22	John Tyaier
"	11	Big Road	"	23	Van Edmondson
"	12	H. L. Hill	"	24	Joe Ward.

I hereby certify that the above is a correct list of Jurors names summonsed in the above case as shown in the record on page 21 of the record of Criminal cases of the Circuit and Supreme Court in the Clerks office of Delaware District.

(SEAL) (Signed) P. L. Walker Depty
Clerk Del Dist C. N.

Endorsements: 7102. H. 31108 Indian Office Inclos. No.
11 1894. Jury List. Eljerrey Fleetwood. Jury List Delaware
District. Lafayette Teal. No. 18.

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EXHIBIT D.

In the District Court of the United States,)
For the Western District of Arkansas.)

November Term 1885.

Wednesday Morning 8 '2 o'clock,
December 16th 1885.

Court met pursuant to adjournment. Present the Honorable
Isaac C. Parker, Judge of the District Court of the
United States for the Western District of Arkansas.

UNITED STATES)
VS.) Indictment for Murder No. 822.
STEPHEN EDWARDS)

On this day came the United States of America by M. H. Sundels
Esq. atty. for the Western District of Arkansas and comes the said
defendant in custody of the marshal and by his attorneys Mess
Barnes and Mellette & Wm. H. Gravens Esq and it appearing from the
return of the marshal that said defendant has been served with a
duly certified copy of the indictment in this cause, and a list of
the witnesses in this cause and has also been served with a full
and complete list of the Petit Jury as selected and drawn by the

Jury Commissioners for the present term of this court, more than two entire days heretofore and having heretofore had hearing of said indictment and pleaded not guilty thereto, it is on motion of plaintiffs by their said atty ordered that a jury come to try the issue joined whereupon the following were selected for the trial of this cause to wit

John Armstrong
Ernest Goetle
Thomas T. Hayes
George R. Horton
David R. Hammer
Carl Klaus

Joseph D. Mullen
Samuel Peters
Miles F. Richardson
Starling M. Smith
John Wilson
Frank Vogel

Twelve good and lawful men of the district aforesaid who being duly selected empaneled and sworn to try the issue joined and a true verdict according to the law and the evidence and there not being time to further progress with the trial of this cause they were by consent permitted to separate under the instructions of the court until tomorrow morning 8 '2 o'clock

Friday Morning 8 '2 o'clock
December 18" 1885

Court met pursuant to adjournment. Present the Honorable Isaac C. Parker Judge of the District Court of the United States for the Western District of Arkansas

UNITED STATES)

VS. :

STEPHEN EDWARDS)

Indictment for Murder No. 822.

On this day come the United States of America by M. H. Sandels Esq., atty. for the Western District of Arkansas and comes the said defendant in custody of the marshal and by his attys Hese Barnes & Mellette and W. M. Cravens Esq. and now comes the jury heretofore empaneled for the trial of this cause to wit

John Armstrong
Ernest Goetle
Thomas T. Hayes
George R. Horton
David R. Hammer
Carl Klaus

Joseph D. Mullen
Samuel Peters
Miles F. Richardson
Starling M. Smith
John Wilson
Frank Vogel

Who took their seats in the jury-box and after hearing the balance of the argument (the evidence and a portion of the argument having been heretofore, on Dec. 17, heard) of counsel and receiving the charge of the court, retired in charge of a sworn bailiff of this court to consider of their verdict.

and it is further ordered that said jury be kept together and that the marshal of this district furnish meals to the jury and bailiff in charge until discharged by order of said court

and now after some time, come the Jury, in charge of the bailiff aforesaid and return into court here the following verdict "We the jury find that this court has no jurisdiction in this cause"

(Signed) "John Willson foreman"

It is therefore ordered that said defendant be discharged of and from the indictment in this cause and that he be remanded to the custody of the marshal to await an examination on another charge

I Stephen Wheeler clerk of the District Court of the United States in and for the Western District of Arkansas, hereby certify that within and foregoing are true and correct copies from the record as shown on pages 104 and 108 in Census Law Record No. 87.

In testimony whereof I have hereto set my hand and affixed the seal of said Court at Fort Smith in said district this 22nd day of January A. D. 1887.

(SEAL)

(Signed) Stephen Wheeler,
Clerk.

Endorsements: Record of U. S. Ch. W.D.A.
I.

31108 Indian Office Incls. No. 12 1894

H. Jerry Fleetwood, Stephen D. C. Edwards, Verdict of
Jury.

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EXHIBIT B.

(1-085 a.)

C.F.L.
C. N. M.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., September 25, 1888.

I, A. B. Upshaw, Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true and literal except copy of so much of one of the Cherokee Record Books as shows the agreement of Hosea Morgan to relinquish to the United States his proportionate interest in the Cherokee lands, lying East of the Mississippi, binding himself to remove and permanently settle, with his family, on the land provided for the Nation west of the Mississippi, on condition that he with others be paid for their abandoned improvements on their arrival & settlement west of the Mississippi &c, &c, as the same appears on file in this office.

(Signed) A. B. Upshaw,
Acting Commissioner.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C., September 25, 1888.

I, William F. Vilas, Secretary for the Department of the Interior of the United States of America, do hereby certify that A. B. Upshaw, whose name appears signed to the foregoing certificate, is now, and was at the time of signing the same, Acting Commissioner of Indian Affairs, and that full faith and credit are due to his official acts as such.

IN TESTIMONY WHEREOF, I have hereto set my hand and have caused the seal of said Department to be affixed on the day and year above written.

(Signed) Wm. F. Vilas,
Secretary.
G.A.H.

(SEAL)

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Articles of agreement entered into between Hugh Montgomery, Indian Agent on behalf of the United States of the one part, and

the undersigned chiefs & Warriors of the Cherokee tribe, residing within the limits of the States of Georgia and Alabama, Tennessee & N. Carolina of the other part.

The undersigned Cherokees for themselves & families do voluntarily agree to assent to a treaty on the terms proposed by the President of the United States, through the Secy. of War, at their Council in 1832; and further agree to & bind themselves firmly by these presents; in case no general arrangement is entered into between the tribe to which they belong, & the general government during the coming fall, or early in the Winter, that they will relinquish to the United States all their proportional interest in & to, the Cherokee lands, lying east of the Mississippi; binding themselves to remove & permanently settle, with their families, on the lands provided for them West of the Mississippi, on the following conditions, viz: They are to be paid for their abandoned improvements, on their arrival & settlement west of the Mississippi, they are to be transported, & subsisted for twelve months after their arrival & receive all the other advantages, perquisites & articles, that other emigrants enjoyed or received under the treaty of the 6th May 1828, that they shall receive before their departure their proportion of the three years annuity due under former treaties. Also their equal proportion of all annuities, or other interests, arising from former, or future treaty, or treaties that have, or may be concluded between the U. S. of the United States, & their tribe East of the Mississippi, including the proceeds of the school & reservation under the treaty of 1819. Placing them on an equal footing with those of their brethren who have already gone, as well as those who may remain. In testimony whereof the parties have hereunto set their names the days & dates under written

		Males				Females				Residence
Date	Names of	un	0.10	0.25	0.50	un	0.10	0.25	0.50	
1834:	Persons.	un	0.10	0.25	0.50	un	0.10	0.25	0.50	
Jany:	Woody Russell	3	1	1		1	1			Valley River N.C.
	Hoseah Morgan, Sr.	2			1	1	5	1		do
	Hoseah Morgan, Jr.	1								do
	Cynthia Wilson	1				1	1			3

Endorsements: B. 7102 Agreement B. Indian Office Inclos. No. 5. 1894. Eljerry Fleetwood Agreement.

EXHIBIT F.

E.F.F.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Aug. 21, 1896.

I, Thomas P. Smith, Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original, as the same appears of record in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

(Signed) Thos. P. Smith,
Acting Commissioner

(SEAL)

No. 200.

Wassa Morgan Impt. near Smith Mill two miles from the Missionary on the North side of High Wassa river.

1 Cabin 18 by 18 round logs board roof paneled on floor, wood chimney stone back etc.	\$18.00
1 Kitchen 12 by 10 round logs dirt floor	8.00
1 Stable 12 by 10 round logs board roof	6.00
1 Corn Crib 8 by 8	4.00
1 Lot \$5	3.00
5 acres bottom land a 7	35.00
	<u>\$76.00</u>

EXHIBIT G.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, D.C. July 30, 1883.

I, Hiram Price, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true and literal copy of the Muster Roll of 484 Cherokee Emigrants who left the Agency east on the 14th day of March 1834 under Lieutenant J. W. Harris, as reported on the 12th day of April 1834 by B. F. Carrey, Superintendent of Cherokee Emigration as the same appears of file in this office.

(Signed) H. Price,
Commissioner.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, D.C. July 30, 1883.

I, M. De Jodlyn, Acting Secretary for the Department of the Interior of the United States of America, do hereby certify that Hiram Price whose name appears signed to the foregoing certificate is now, and was at the time of signing the same Commissioner of Indian Affairs, and that full faith and credit are due to his official acts as such; and that the paper hereto attached is a true and literal copy of the Muster Roll of 484 Cherokee Emigrants who left the Agency east on the 14th day of March 1834 under Lieutenant J. W. Harris, as reported on the 12th day of April 1834 by B. F.

Garrey, Superintendent of Cherokee Emigration, as the same appears
of file in this Department.

In testimony whereof, I have hereunto set my hand and have
caused the seal of said Department to be affixed on the day and
year above written.

(Signed) R. E. Joslyn,
Acting Secretary.
G. M. N.

(SEAL)

MASTER ROLL of a Company of Cherokee Indians about to emigrate West of the Mississippi River,
Under the direction of Lieutenant J. W. Harris.

Names of heads of Families	Numbers and Ages of Indians.								Number of		To- tal Num- ber	Remarks.
	Males				Females.				Slaves			
	Under 10	of 10 & under 25	of 25 & under 50	Over 50	Under 10	of 10 & under 25	of 25 & under 50	Over 50	Fe- males	Slaves		
	10	under	under 50	Over 50	10	under 25	under 50	50	Males	males		
Black Fox	2	2	1		2	3					10	Chicamauga, Tennessee
Nancy and Mother						1	1				2	From within the limits of the State of Georgia
James McGrays family	2	2	0		3	1	1				9	Valley River N. Carolina
William England	2	2	1		1	3	1				10	Long Bulles Creek N. Carolina
Alexander McGray	1	1	1		2		1				6	Peach Tree Creek N. Carolina
David Poss	3	1	1		1		1				7	Valley River N. Carolina
William Russell	3	1	1		1		1				7	Valley River N. Carolina
Saml. Simons	3		1		2		1				7	Valley River N. Carolina
Ezekiel Butler			1								1	Nantly N. Carolina
Elijah Sourihen		1									1	Valley River N. Carolina
Hosia Morgan, Sr.		2	3	1	1	2		1			10	Valley River N. Carolina
Briant Ward	3	1	1		2		1				8	Little River Georgia
Hosia Morgan Jr.		1									1	Valley River N. Carolina

[illegible]

Ooscoonah						1	1					2	Chatata Tennessee
Ainleh	1					1	1					3	Chatata Tennessee
Sally Robinson & Husband													
Koss			1	1		1			2	4		9	Mouse Creek Tennessee
Pratz				1			2	1				6	Chatata Tennessee
Jim			1									1	A Spaniard from Georgia Tennessee
Anne coo Kah							1					1	Tennessee
Saml. Wellums			1			1	1					3	Holly Creek Georgia
Cheo Or Otterlifter:				1								1	Chestoon Tennessee
Jessie Townsend	1								1			1	Hightown Georgia
Stephen Haynes			1									1	Jin Cairy Tennessee Deserted
James Ostemaker and 2 orphans		1	1				1						
James Ticked				1								3	Tusquitta N. Carolina
George G. Woodale	2		1	1		1	1					6	Bread town Georgia
Che yu Kah						1	1					2	Hightower River, Georgia
John Miller	4			1		1	1	1		3	1	12	Chestoon Tennessee
Tom Buller				1								1	Highwasse Tennessee
Joseph Dobson		1		1		2		1				5	Nowhere Deserted
Ruby Tucker		1		1		3						5	Aquohse N. Carolina
Joe Pickermood				1								5	Valley River, N. Carolina
The Grass and Wife:			1				1					1	Tusquitta N. Carolina
Con no neh			1									2	Gum Log Creek N. Carolina Deserted
Che law ne Kah								1				1	Deserted
Elijah Groundhog			1									1	Deserted
Co le cheh			1									1	Tusquitta N. Carolina
Teh Kah a gee			1									1	Tusquitta N. Carolina
Joyn McDaniel and Mother												1	Valley River N. Carolina
Jane Blackwell			1				1					2	Connasauga Tennessee
George Van				1								1	Dry Creek Tennessee
Bears Paw				1		2	1					5	Hightower Georgia
Jane Wilson						1	1	1				4	Chatata Tennessee
Saml. Wilson			1									1	Chickamauga Tennessee
Thomas Fields	2	2		1		4		1				10	Chickamauga Tennessee
William Steffis				1		1		1				3	Young Creek Tennessee
William Van			1	1				1				5	Cady Creek Tennessee
Charles Downing			1									1	Salacea Georgia
Hiram Bright				1		2		1				4	Deserted

Benjamin Bowmin	1				1				2	Salacca Georgia
Nathan Rice	1				1				2	Salacca Georgia
Doctor Come	1				1				2	Salacca Georgia
Alexander Kells										
family	1				1				2	Elizay Georgia
Jackson Smith	1		1		1	1			4	Chattoway Valley Alabama
Good Money & wife	2		1		2	1			6	Chestoca Tennessee
Lissy McGray					1				1	Conesango Tennessee
Rebecca McGray					1				1	Conesango Tennessee
Milly McGray					1				1	Conesango Tennessee
Ruth McGray	2	1			2	1			6	Conesango Tennessee
McGray, Sr.				1					1	Conesango Tennessee
Lewis McGray			1						1	Long Savanna Georgia
Jane Wilson					1				1	Chicamagua Tennessee
James B. Hanson		1	1		1	1			9	Elizay Georgia
Will Tucker	4		1			1			6	Elizay Georgia
James Walkingsticks										
family	2	1			1	1			5	Elizay Georgia
Amos Richardson	2		1		2	1			6	Cocawatee Georgia
Thomas Livinner		1				1			2	Ochka lo ge Georgia
Martin McIntosh			1						1	Browns Town Alabama
William Elder		1							1	Oul Tewa Tennessee
Geo. Bridgaker		1							1	Aunche Tennessee
Kah Kullah			1						1	Aunche Tennessee
Wotechkee, or Widow										
Skitt		1				1	1		3	Skema Georgia
The Ridge		1							1	Skema Georgia
Nerva Chowa		2				2			4	Nantly N. Carolina
Nancy Reed and July	1	1	1			1			4	Nantly N. Carolina July deserted
Jessee Christy		1			2	1			4	Nantly N. Carolina
and wife										
William Bolin	4	2	1		1		1		9	Nantly N. Carolina
Thomas McDonald	1		1		2	1			5	Nantly N. Carolina
Daul McDonald	1	1			2	1			5	Nantly N. Carolina
Spencer Shelton										
and wife	3	2		1	2	1			9	Nantly N. Carolina
Post. Shelton	2	1				1			4	Nantly N. Carolina
Henry Bolinger										
and Owestee		1			1	1			3	Nantly N. Carolina
Sally Kell	1					1			2	Nantly Georgia
Fella E. Ward	2				1	1			4	Nantly Georgia?

Alex. McDonald	:	: 2 :	2 :		:	1 :	1 :		:	:	:	:	:	:	:
Thos. McGray	:	:	:	1 :	:	:	1 :		:	1 :	:	:	:	8 :	Nantly N.Carolina
I gen Ke, & young woman	:	:	:	:	:	:	:	:	:	:	:	:	1 :	:	Nantly Georgia
Jack Griffin	:	: 2 :		1 :	:	:	1 :	1 :	:	:	:	:	1 :	:	Tennessee
Dani.Griffins Wife:	:	:	:	:	:	:	:	:	:	1 :	:	:	6 :	:	Chatowya Tennessee
and part of family:	:	1 :	:	:	:	:	1 :	1 :	1 :	:	:	:	:	:	
Jn. Brwer	:	1 :	2 :	:	:	:	1 :	:	:	:	:	2 :	6 :	:	Chatowya Tennessee
Mrs. Chick	:	:	1 :	:	:	:	:	2 :	1 :	:	:	:	4 :	:	Long Savanna Tennessee
Catharine Lacy	:	2 :	:	1 :	:	:	3 :	2 :	1 :	:	:	:	4 :	:	Creek Path Alabama
William Wilson	:	3 :	:	1 :	:	:	1 :	3 :	1 :	:	:	:	9 :	:	Creek Path Alabama
Thomas Griffin	:	:	1 :	:	:	:	:	3 :	1 :	:	:	:	3 :	:	Creek Path Alabama
Early Cordery	:	:	1 :	:	:	:	:	:	:	:	:	:	1 :	:	Chicamanga Tennessee
	:	:	:	:	:	:	:	:	:	:	:	:	1 :	:	Chatahouchy Georgia, Transpor-
Robt. Fields	:	:	1 :	:	:	:	:	1 :	:	:	:	:	:	:	tation and subsistence only
Cheer or Otter	:	5 :	:	1 :	:	:	2 :	2 :	1 :	:	:	:	2 :	:	Ovlt Towa Tennessee
Sour Crout	:	:	1 :	:	:	:	:	:	:	:	:	:	11 :	:	Hichwasse Tennessee
Jew Otterlifter	:	:	1 :	:	:	:	:	:	:	:	:	:	1 :	:	Red Hill Tennessee
Elizabeth Shepard	:	:	1 :	:	:	:	:	:	:	:	:	:	1 :	:	Red Hill Tennessee
	:	:	:	:	:	:	:	:	:	:	:	1 :	2 :	:	Mouse Creek Tennessee

Whole number mustered

The foregoing is a correct Muster Roll of a Company of Cherokees who set out from the Cherokee Agency East on the 14th day of March 1834 under the direction of Lieut J. W. Harris, Fifteen of whom it will appear have deserted since they were mustered at the Agency for a removal West of the River Mississippi

Col. Geo. Gibson
Soury. Genl. Subsistence
Washington City.

Endorsement:

I, A. R. Breker, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the post office at Vinita, I. T. addressed to S. H. Mayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter. That registry receipt No. 405 hereto attached is a receipt for said package which contained true copies of the application of Eljerry Fleetwood and others and the affidavits of Lucinda Fleetwood, marked Exhibit 1; Affidavit Charles Wickliffe, marked exhibit 2; Nathaniel Fish, marked exhibit 3; Rachel Smith, marked exhibit 4; William Matoy, marked exhibit 4; E. D. Cary marked exhibit 5; Walter A. West, marked exhibit 6; James C. Childers, marked exhibit 7; Nancy Starr, marked exhibit 8; William Matoy, marked exhibit 9; J. T. Ward marked exhibit 10; James Tincup marked exhibit 11; Peter Nick marked exhibit 12; Watson Sanders marked exhibit 13; Wilson Simlin, marked exhibit 14; Wilson or Wee lee sume, marked Exhibit 15; Simon Johnson, marked exhibit 16; T. H. Duffington, marked exhibit, 17; Stephen D. C. Edwards, 18; W. G. Brown, marked exhibit, 19; Willie Meeks marked exhibit, 20; W. S. Stanfield, Exhibit 20, Eljerry Fleetwood, Exhibit 22, John W. Webb Exhibit 23, Stephen D. C. Edwards Exhibit 24, William C. Woodall, Exhibit 25, La Fayette Teel, Exhibit 26, W. C. Woodall Exhibit 27, Stephen D. C. Edwards Exhibit 28, & J. A. Deshaize 29. Administrators Bond, Exhibit A. Marriage Record, Exhibit B. Jury Record Exhibit C. Common Law Record No. 27 Exhibit D. Certified Copy of Record, Interior Department Exhibit E. Certified Copy of Record, Interior Department, Exhibit F. Certified Copy Interior Department Exhibit G. in support of the same.

(Signed) A. R. Breker.

Subscribed and sworn to before me this the 7th day of September, A. D. 1896.

(Signed) Harry E. Don-Charles

(SEAL)

Notary Public, My Commission Expires May 11th, 1900.

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REGISTRY RECEIPT.

Post Office at

Vinita, Sep 7 1896.

Cherokee Nation, Ind. Ter.

Registered Letter No. 405, Rec'd Sept. 7, 1896, of W. S. Stanfield addressed to S. H. Mayes, Tahlequah, I. T.

(Signed) D. A. Prayser P.M.

L.

(CHEROKEE NATION'S ANSWER AND DEMURRER.)

Page 188 Docket "a"

Lafayette Teel.

Office Commission on Citizenship,
Tahlequah, C.E. May 31st, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	Lafayette Teel	29	Male	Hayesville, Ark.	
2	Manerva Teel	7	Female		
3	Carrie A. Teel	5	Female		
4	Wm. L. Teel	1	Male		A.E. Jury.

Application for
Cherokee Citi-
zenship.

V.S.

Rolls 1835 to 1852

Cherokee Nation

Ancestor

Filed May 31, 1887.

Ose Morgan

See decision next page. Adverse to claimants.

Aug. 7th, 1888.

Connell Rogers, Clerk Com. on Citizenship

Martha W. Brown.

Office Commission on Citizenship,
Tahlequah, C.N. May 31st, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office.	Atty.
1	Martha W. Brown	28	Female	S.W. City, Mo.	
2	Cassie Brown	2	Female		
3	Wm. D. Brown	6	Male		
4	Lula J. Brown	4	Female		
5	Martha Brown	1	Female		A.E. Jury

Applicant for
Cherokee Citi-
zenship

V.S.

Rolls 1835 to 1852

Cherokee Nation

Ancestor

Filed May 31, 1887.

Rosie Morgan

Commission on Citizenship,
Cherokee Nation, Ind. Ter.
Tahlequah August 7th, 1888.

Martha W. Brown, et al,
& Lafayette Teel, et al,

VS :
Cherokee Nation.)

The above two cases, that of Martha W. Brown, et al, and Lafayette Teel, et al, applicants for Cherokee citizenship in the Cherokee Nation, were filed in this office on the 30th day of May, 1887. Both claiming descent from one Hosie Morgan, who then allege was of Cherokee Indian blood.

Martha W. Brown, nee Fleetwood, is the grand daughter of Hosie Morgan, and Lafayette Teel is the son of Martha W. Brown's sister name unknown, consequently her nephew, and the great grand child of Hosie Morgan. They both claim rights in the Cherokee Nation through the same source, that of being descended from Hosie Morgan. The Attorneys, Messrs. Ivey & Hitchcock, for plaintiffs agreed with the Nation's attorney, Hon. R. F. Wily, that these two cases should be tried and determined upon the same evidence, as they are identically the same in respect to Cherokee citizenship i. e. if one is a Cherokee the other must be.

These cases were submitted to the Commission on Citizenship on the 4th day of August, 1888. All the evidence being in upon which to base an opinion.

The evidence of Charles Wickliff on part of the plaintiffs in this case, goes to show that he is 63 years old, and that he has known Lucy Fleetwood for about 58 years, and that he knew her back in the Old Nation and that she went to school at that time at Valley Town Mission, in the State of North Carolina, and that this school was established for Cherokees and that he never knew any other than Cherokee children to attend this school and that Lucy Fleetwood had two brothers that went to this Mission with her and that their names were Sam and Jerry, and that he Hosie Morgan, looked like an Indian, but that he did not speak the Cherokee language, but understood it, and that he was considered a Mexican or Spaniard. Mr. Wickliff further says that when a part of the Cherokees left Calhoun in the Old Nation in the year 1834, that he understood Hosie Morgan and family came to this country with them, and that he came to this Nation in the year 1839, but did not know if Hosie Morgan and family were ever recognized here as Cherokees. He further says that he was 10 or 11 years old when he went to this Mission school, before mentioned, in North Carolina, and that it was during this time that Hosie Morgan and family came into that section of country from the State of Georgia, and that he remained there about two years, but did not know if Hosie Morgan and family had any kins-folks among the Cherokees, or not, but did not know that the wife of Hosie Morgan had curly, kinky or negro hair.

The evidence of Mrs. Nancy Starr, a full blood Cherokee woman, in behalf of claimants, taken before Judge J. L. Ward, District Judge of Delaware District, Cherokee Nation, on the 20th day of June, 1887, is wholly denied by said Nancy Starr on a cross examination made by the Nations Attorney, Hon. R. F. Wily, on the 11th day of May, 1888. A letter of Judge J. L. Ward over his Official signature, on file in this office, goes to show that Nancy Starr cannot speak or understand the English language, and that he had an interpreter, Lafayette Teel, one of the applicants in the cause, to interpret the statement that should have been made by said Nancy Starr, and that he, Ward, does not understand the Cherokee language himself, and only recorded that which Lafayette Teel gave him to understand Nancy Starr should have said.

The testimony of Sam Johnson, taken before a former Commission on Citizenship, under date of 19th of Sept, 1883, in the Lucy Fleetwood case, (tried before a former Commission and decision adverse to her on the 29th day of Sept. 1883,) and that the claimants in the cause were recognized as Cherokees - that the boys had served as guards &c, but upon the cross examination, he said that he never participated in the per capita payment of that year, of Cherokees.

William Wilson states in the matter of the claim of Lucy Fleetwood, the mother of Martha W. Brown, and grand-mother of Lafayette Teel, before a Commission on Citizenship, under date of Oct. 1st 1883, that he knew Lucy Fleetwood, but did not know of what blood she was, that she looked like a half negro, and that he had her sons hired under a permit to do work for him in Delaware District, and that at one time they tried to prove by him before the United States Court, that they were Cherokees, but failed. Mr. B. W. Alberty who gave testimony before a former Commission in the Fleetwood case for citizenship, says: That he is 52 years old and a Cherokee by blood, and that he was acquainted with the Fleetwood family in 1852, and that they removed into his section of country from Kansas, and that he knew them up to the year 1861, and that had three of Lucy Fleetwood's boys employed under permits to work for him, and that they were regarded and known as ~~Ex~~ Catawbas, and that he had them employed the same as if they had been white men, and that he knew during the "Old Settler" payment in this country, and that they never applied for money, claiming they had a right to participate in the distribution of this fund.

The statement of John G. Harnage in the Lucy Fleetwood case, taken Sept. 29th, 1884, shows that he took the Census of the "Old Settler" Cherokees, preparatory to making the payment to them, in that year 1851, and that while doing so, he met Lucy Fleetwood in Delaware District, and she claimed to be an "Old Settler" Cherokee, and asked to be enrolled as such. Mr. Harnage says: That she failed to satisfy us, the census takers, that she was even a Cherokee, and that her name was not taken. She brought an Atty, and witnesses to Tahlequah, the Capitol of the Cherokee Nation, where the Census Rolls of "Old Settler" were being completed, to have her claim adjusted. The evidence was taken before a Commission, says Mr. Harnage, composed of Judge Dfrew; Cherokee Agent, Brown; Lewis Rogers and myself, in which it was shown that Lucy Fleetwood came to this Nation with a detachment of Cherokees in the year 1834, but failed to prove that she was of Cherokee Indian descent. This was about the year 1850. The testimony of Moses Ward taken before this Commission on the 17th day of May 1886, shows that he was 72 years old, and that he was acquainted with one Winnie Fleetwood, who afterwards married a man by the name of Brown, and lived at Beatties ~~Kristine~~ Prairie in Delaware District, Cherokee Nation, and that she is the daughter of Lucy Fleetwood, and that he was also acquainted with her, and was some what with Fleetwood, a white man, her husband. The names of Lucy Fleetwood's children are says Mr. Ward, Edward, Miles, Aquilla, Jerry, Thena, Sarah and Winnie, and one other the mother of Steve Edwards and Lafayette Teel. After the war he says, at an election in Delaware District, in which he was judge, these Fleetwoods presented themselves to vote, but were not allowed to do so, as they were not recognized as citizens of the Cherokee Nation. That he was once speaking of these folks to Mr. Bill Egan, now dec'd, when Egan remarked that it was either his father or his grand father that once owned Lucy Fleetwood's mother as a slave, and that Bill Egan was once a Deputy Marshall and stood as high for truth and honor as any man in Benton County, Arkansas.

The evidence of James Wofford in this case is both conclusive and satisfactory, as it not only shows that he was acquainted with the Fleetwoods family in this Nation, but that he knew them in the Old Nation, prior to the Treaty of 1835. Mr. Wofford is a man of fair education and great integrity, he is now 82 years old and was a member of the Senate of the Cherokee Council in the Old Nation, which position he held for several years - until he removed to this country - and that he was often Interpreter for Courts and Ministers of the Gospel. Mr. Wofford says that he knew Hosie Morgan in the Old Nation, and that he lived in the North Eastern District of the Nation, next to the North Carolina line, and that he then had a family, some of which were grown, and that Hosie Morgan claimed to be a Catawba Indian, and that his wife was a colored woman and had formerly been a slave, and that Hosie Morgan left that country before the treaty of 1835. Mr. Wofford further states, that Hosie Morgan

made application to the Council in the Old Nation for citizenship among the Cherokees, but that his request or petition was not granted, on the grounds that he was not a Cherokee, but was allowed on account of him being a Catawba Indian, to open up a field in the (then) Cherokee Nation, upon which to make a living. That he knew Hosie Morgan well, and that he, Hosie Morgan, told him that he was a Catawba Indian, and was so regarded, and that Mr. Bagan who used to own Hosie Morgan's wife, the mother of Lucy Fleetwood, and grand mother of Martha W. Brown, and great-grand-mother of Lafayette Teel, as a slave, lived near the line of North Carolina, in one of the Old countries, and that this man x Bagan just spoken of, was the father of William Bagan, who is now dead, that use to live in Arkansas near the Cherokee line, who was once a Deputy Marshall, and a man well thought of by all who knew him.

We the Commission on Citizenship after taking into consideration the evidence in this case, are of the opinion that the applicants Martha W. Brown, et al., and Lafayette Teel, et al., are not Cherokees by blood, as the testimony is conclusive in its proof that they are of an admixture of Catawba and negro blood, with no evidence whatever, other than the allegations contained in the application for citizenship, that they are Cherokees which they have signally failed to establish. The fact of Hosie Morgan's children going to a Mission school established for Cherokee children, is no proof that they were Cherokees, only the supposition, which in the face of contradictory testimony sets this idea aside as being unworthy of notice. For the Missionary school of that day and time, and down to the present, were governed and controlled by the Missionary Boards of the various Churches, and Indians have nothing to do with their maintenance and support. They being wholly under the supervision of the Missionaries, and while their object was, and is, ostensibly to benefit the Indians, it is a well known fact that children of any race, whites, negroes & Cherokees attended these schools.

This Fleetwood family have not continuously resided in the Cherokee Nation, going out into the States and returning at intervals. As to who Hosie Morgan was, the ancestor alleged in these cases, previous to his coming into the Old Cherokee Nation, is wholly unknown to this Commission, or even of what race of people he might have been, other than what he said himself, that he was a Catawba Indian. The evidence of Charles Wickliff and James Wofford would seem to indicate that he might have been of Mexican extraction. On this point there is nothing definite. We fail to find the name of Hosie Morgan upon any of the rolls of Cherokees mentioned in

the 7th section of the Act approved Dec. 8th, 1886, in relation to citizenship, and known as the rolls of 1835-1848-1851 and 1852, or upon the "Old Settler" rolls of the years 1851-neither do we find the names of the applicants on any of the rolls just mentioned, and do hereby declare, that Martha W. Brown and her four children, viz: Cassee, William D. Lula J., and Martha Brown, and Lafayette Teel and his three children, viz: Minerva J. Carrie A., and William L. Teel are not Cherokees by blood, and are not entitled by virtue of their blood to any of the rights and privileges of Cherokee citizens, and are intruders upon the public domain of the Cherokee Nation.

John T. Adair, Chairman Commission,

H. C. Barnes, Commissioner.

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Martha W. Brown,)
)
 vs : Office Commission on Citizenship,
) Tahlequah, I.T. April 16th, 1888.
 Cherokee Nation.)

W. W. Ward who first being duly sworn upon his oath states: I am a citizen of Delaware District, C. N., and am 32 years old. I know the applicant. She is from the Fleetwood family. I have known their family about 15 years, two of Mrs. Fleetwood's children went to school with me in Delaware District, to Frank Thompson, teacher, As Cherokee children their names were Sarah and Thene Fleetwood. These parties, Sarah and Thene I recognize as the sisters of the applicant Martha W. Brown.

(Cross-Examination)

I don't remember the year that these parties Sarah and Thene Fleetwood went to school to Frank Thompson in Delaware District at Beatties Prairie school. I think these parties went to this session. It was about this time that I heard the rights of this Fleetwood family disputed in being Cherokees. I have known other children, not Cherokees that went to school to the Beatties Prairie school afterwards (i e) after I went with these parties to this same school.

Attest.

Cornell Rogers, Clerk Com. On Citizenship.

Martha W. Brown,)
 vs : Office Commission on Citizenship.
 Cherokee Nation.)

Tahlequah, I. T., April 16, 1888.

J. L. Ward who first being duly sworn upon his oath states: I am a citizen of the Cherokee Nation and reside in Delaware District, C. N. and am 43 years old. I am acquainted with the applicant. I know nothing of her ancestry except that I knew her mother Lucinda Fleetwood.

Loucinda Fleetwood is now dead. She died in about the year 1888. She lived in Delaware District, C. N. I never heard that Loucinda Fleetwood was any other than a Cherokee Indian until after the war, her children went to school as Cherokee children and were acknowledged. I think these children went to school at Beatties Prairie for one term. Mrs. Fleetwood must have lived in Delaware District for the space of 3 or 4 years before her citizenship as a Cherokee was in any way questioned.

(Cross-Examination.)

I think Mrs. Fleetwood died in Delaware District, C. N. I don't remember what year it was that Frank Thompson began teaching school in Delaware District, C. N. after the war. The question referred to above concerning the rights of these parties to citizenship arose out of a row with her sons and Moses Ward's sons. This was about the year 1872 that this row took place above spoken of. There were children, not Cherokees who afterwards attended that school (Beatties Prairie) this was after Frank Thompson had quit teaching there.

I was not acquainted with Mrs. Fleetwood before the war. I became acquainted with her after the war. I never heard that Mrs. Fleetwood's rights were disputed as far back as 1861 at the time of the Old Settler payment. As a matter of fact, personally I do not know how Mrs. Fleetwood derived her Cherokee blood if she has any.

Re-direct.

At the time I speak of, that Mrs. Fleetwood's children went to school they went as Cherokee children. I am acknowledged as a Cherokee Indian and accepted as such. I held the office of District

Judge of Delaware District, C. N. The applicant Mrs. Brown has a family.

Re-direct-Cross Ex.

Mrs. Brown's husband is Gentry Brown reputed to be a white man. I don't know whether he had a family before he married the applicant or not.

Attest.

Connell Rogers, Clerk Com. on Citizenship.

Martha W. Brown,)

vs

Cherokee Nation.) Office Commission on Citizenship,

Tahlequah I. T., April 12,
1888.

Martha Brown, the applicant, being sworn upon her oath in the matter of her children, says as follows to-wit: I am 30 years old. I have five children living whose names are Casey, her age is about 10 years Willie, his age is about 7, Luly, her age is about 5 years, Martha, her age is about 3 years, and Myrtle Brown who was born in this year.

Attest.

Connell Roger, Clerk Com. on Citizenship.

Martha W. Brown,)

vs

Cherokee Nation.) Office Commission on Citizenship.

Tahlequah, I. T., May 16th, 1888.

Charles Wieliffe who first being duly sworn upon his oath, states as follows, to-wit: I am a citizen of the Cherokee Nation and live in Saline District. I am about 69 years old. I don't know anything about the applicant, I am acquainted with Lucy Fleetwood. I have known Lucy Fleetwood since the year 1830 or 1831. I knew her back in the Old Nation where she was going to school. She was going to school at the time that I mention, at the Valley Town Mission in the State of North Carolina. Evans Jones was the teacher, it was a baptist. The Mission spoken of was established for the Cherokees. None other than Cherokees were allowed to attend this Mission. I never knew any body to attend this school but acknowledged Cherokees. Those that went to this Mission were, on account of it being a school for such persons, supposed to be Cherokees. This Lucy had two brothers that went to this school, at the same time, their names were Sam and Jerry. I knew Masie Morgan who was the father of Lucy Sam and Jerry. Masie Morgan looked like a full blood Indian. He did not speak the Cherokee language. He was considered a Mexican or Spaniard. Masie Morgan's wife was considered a Cretawba Indian. These parties did not talk the Cherokee language but understood it. They lived in the Cherokee Nation. They came from Georgia to North Carolina. They were not natives there. They brought these children, Lucy, Sam and Jerry with them when they came from Ga. If these parties who attended the Mission were not Cherokees I do not know how the Rev Evans Jones allowed them to attend. These parties left North Carolina in the year 1833 and went before the agent at Calhoun and enrolled for transportation to this country. I suppose as Cherokees. When the Cherokees left

Calhoun in the year 1834 I was told that they came too. I came to this country in the year 1839. I saw Lucy here in the year 1843. I don't know if these parties have been recognized here in this Nation or not.

Cross-examination.

I was 10 or 11 years old when I went to the Mission spoken of above. I was going to this school when these parties came into that neighborhood. I went to this school about 4 or 5 years in all the time I attended. I was still going to this school when Hovie Morgan and family left that country. Rev. Evans Jones had children but they did attend this school. Hovie Morgan's wife was of a dark complexion, her hair was curly. I don't know if these parties ever had any kinsfolks among the Cherokees. I never heard any Cherokees ever claim kin with them. Hovie Morgan never had any reservation as a Cherokee Indian. I knew the family of Hovie Morgan in North Carolina about two years.

Re-direct Exam.

In referring the matter of "curley" hair above, there is but one word to use when you would speak of "curley or kinky" hair. This woman had kinky hair.

Attest,

Connell Rogers, Clerk Com. On Citizenship.

Martha W. Brown,)

vs

Office Commission on Citizenship.

Cherokee Nation.)

Tahlequah, I. T. April 13, 1888.

James Wofford who being duly sworn upon his oath states I am in my 82nd year. Am a citizen of Delaware District, C. N. I was raised in Georgia in what is now Union County. I am a Cherokee by blood. I was a member of the Cherokee Senate in the Old Nation for several years and was a member of the Senate until after I moved to this country. I was interpreter for Ministers of the Gospel.

I knew Hovie Morgan in the Old Nation. I understood that his name was "Hovie" he lived in the North East District of the Nation next to North Carolina. He had a family and several children. Some of his daughters were grown at that time. Hovie Morgan claimed to be a Catawba Indian. Hovie Morgan's wife was a colored woman and had formerly been a slave. Hovie Morgan left that country with a detachment of Cherokees. I knew Hovie Morgan well. He was a full blood Indian and he told me himself that he was a Catawba Indian and that his general reputation was as such. His wife was a colored woman and is what we call a negro and about the color of a negress ordinarily. In the Old Nation, he, Hovie Morgan, made application to the Cherokee Council for citizenship and the Council refused to grant it, but told him to open up a field for his support. Hovie Morgan was never recognized as a Cherokee Indian, only allowed to remain and live there before of his Indian (Catawba) blood. After the war Old Mrs. Lucy Fleetwood came to me and wanted me to assist her in proving her citizenship in this Nation. I told her that I would be of no assistance to her for the reasons stated above, that I knew Hovie Morgan and wife and was fully satisfied that neither had any Cherokee rights. The owner of Mrs. Hovie Morgan used to live near the line of North Carolina in one of the old counties. She belonged to the father of Wm. Hagan, dec'd, who lived near the line of the Cherokee Nation in Arkansas on Flint Creek. I am not acquainted with the applicant.

Cross-Exam.

I have no knowledge that Hovie Morgan was not a Cherokee only the Council refused to grant him citizenship and allowed him to remain among them as a Catawba Indian. His talk was not of the Cherokee language. His accent was that of a Mexican.

(Question by Court.)

Re-Direct.

I believe Lucy Fleetwood was considered a daughter of Hossie Morgan. She had two sisters older than she was. She was not grown when she left the Old Nation. My understanding is that Lucy married a discharged soldier after she came to this country by the name of Fleetwood.

Attest.

Cannell Rogers, Clerk Com. on Citizenship.

Martha W. Brown,)

vs

: Office Commissioner on Citizenship.

Cherokee Nation,)

Tahlequah, I. T., May 17, 1888.

Moses Ward, who being duly sworn, upon part of the Nation, says as follows, to-wit: I am a citizen of the Cherokee Nation and am 72 years old and live at Vinita, I. T. I am acquainted with one Winnie Fleetwood. I know her at Beatties Prairie in Delaware District, C. N. I have known this Winnie since the war of the Rebellion, her mother was Lucy Fleetwood. I was acquainted with Lucy Fleetwood. I knew Lucy Fleetwood before the war. I have seen her husband Fleetwood, but was not much acquainted with him. Fleetwood was known as a white man. This man Fleetwood came to Beatties Prairie about 40 years ago. This Lucy Fleetwood was with him then at that time. I don't think these parties were citizens of the Cherokee Nation. It was my understanding that they were here under permit, and since that time Wm. Wilson told me that he got a permit for them, to work upon his (Wilson's) farm. Some 10 years previous to the war these parties left Beatties Prairie and went up about Carey's Ferry on Grand river in Delaware District. I next knew Lucy Fleetwood after the war, where she came back to Beatties Prairie. It was my understanding that Fleetwood was killed during the war, near Ft. Scott, Kansas. The names of Lucy Fleetwood's children were Edward, Miles, Angilina, Jerry, Thena, Sarah, Winnie and one other the mother of Steve Edwards and Lafayette Teel, and the wife of James Pineup, now living in District of Delaware. I was here at the Old Settler payment in the year 1851, I think. I do not know whether Lucy Fleetwood drew money as an Old Settler or not. I do not know whether Lucy Fleetwood came to this country before the emigration or with it. After the war when Lucy Fleetwood and her children came back to Beatties Prairie, her sons presented themselves to cast their votes in an election and their right to vote was questioned, and they were accordingly not allowed to do so. I was one of the judges of the election at the time Ed Fleetwood voted, he had married a Cherokee girl. They were objected to on the grounds that they were not citizens of the Cherokee Nation, and they, then, never tried to prove that they had a right to vote. Among the people at that time, this Lucy Fleetwood was supposed to be a Catawba. After this I was talking to Bill Fagan (de'd). We were talking of the Fleetwoods and he said that it was either his father or his grand father that owned Lucy Fleetwood's mother as a slave, and he said if asked as to what these parties were, he could tell exactly what they were. Bill Fagan was, before the war, a U. S. Deputy Marshal. The talk I had with him in reference to these Fleetwoods took place after the war. Bill Fagan as a man, stood as fair as any man in Benton Co. Ark. For truth and honor. I don't know who this Winnie Fleetwood married but it was my understanding that she married a man by the name of Brown.

Deas Ex. by Plaintiff.

Re Ques.

No Ans.

Attest. Cannell Rogers, Clerk Com. on Citizenship.

- (1) Testimony of John G. Harnage taken before a former Court and attested by C. O. Frye, marked ("B" 1st)
- (2) Testimony of E. W. Alberty taken before a former Court and attested by C. O. Frye, marked ("B" 2nd.)
- (3) Testimony of Wm. Wilson taken before a former Court and subscribed by himself, marked "B" 3rd.
- (4) Sam Johnson's statement is on file and marked thus ("B" 4th) taken before a former Court.
- (5) Deposition of Nancy Starr taken before H. T. Landrum, Interpreter and Deputy clerk is on file and marked thus "B" 5th.
- (6) Deposition of Nancy Starr taken before J. L. Ward of Delaware District is on file and marked ("B" 6th.)
- (7) Correspondence of J. L. Ward in relation to the affidavit of Nancy Starr: Said affidavit is said to be denied by affiant, is on file marked ("B" 7th.)

Copy.

OFFICE COMMISSION ON CITIZENSHIP.
Tahlequah, C. H.

In the case of Lucy Fleet-
wood,

vs.

APPLICANT FOR CITIZENSHIP.

The Cherokee Nation.

John W. Harnage being introduced and sworn states: My age is 65 years. I reside at present in Texas. My P. O. address is Gilgore, Texas. Some years ago while taking the census of the old settlers I met with a lady called Lucy Fleetwood. She came to me in Delaware District, claiming to be a Cherokee, and an old settler. She failed to satisfy us as the census takers, that she was a Cherokee, and we did not enroll her as such. She brought her attorneys and witnesses here at this place where we wound up the census. We could not decide of what blood she was. We knew she was not a Cherokee. She failed to draw headright money. The old settlers all drew money. The old settler payment was made some thirty-one or two years ago. I think that her evidence showed that she came here in the detachment that was sent here in 1834. The case was investigated by myself, Jude Drew, Cherokee Agt. Brown, Louis Rogers. She failed to prove that she had Indian blood in her. Her witness was Tom Seaka. She only had one witness, and failed to establish the fact that she was of Cherokee descent. Lucy Fleetwood came to us alone. I don't know whether she had any other brothers and sisters. Our clerk and Louis Rogers were acquainted with her.

John W. Harnage.

Sworn and subscribed before me on this the 29th day of Sep 1834.

C. O. Frye,

Clerk Com on Citizenship.

Copy.

OFFICE COMMISSION ON CITIZENSHIP.

No. 184.

Lucy Fleetwood,

vs.

Application for citizenship in
Cherokee Nation.

Cherokee Nation.

E. W. Alberty.

Being produced in open court and after being duly sworn states: I reside in Coconino District, C. H. No. P20.

address is Chariton, C. N. My age is 52 years. I am a Cherokee by blood. I was acquainted with a family of Fleetwoods in 1852. They came from St. Scott, Kansas, to my neighborhood. I knew the family up to 1881. I had Fanny and Henry and Charley employed. I had permits for them. I had the sister employed though I have forgotten her name. Fanny was borrowing horses and some got killed him. I did not hear of them any more till since the war. I heard of them in Delaware District. They were always called Catabas. I never heard of them being called Cherokees. They did not claim to be Cherokees up to that time. Don't know that we ever met any one of them to know them since the war. I never knew any other family of Fleetwoods being in the Nation. They lived in our neighborhood about ten years. The reason that I had to get a permit for them was that they were not considered to be Cherokees. The old man told me that they came here with the understanding that they could live here they being Catabas. Guess I employed them the same as I would a white man. Had to get a permit for the old man. He hired me his boys. I never heard of them voting. They were here in my neighborhood when the old settlers were paid and when the emigrants were paid, too, and they never applied for any money. At that time there were three girls. I believe one of them was named Lucy Ann, and don't remember any other names.

R. W. Alberty.

Sworn and subscribed before me on this the 29th day of January, 1884.

C. O. Faye.

Clerk.

COMMISSION ON CITIZENSHIP:

Tah. C. N., Oct 1st, 1883.

LUCY FLEETWOOD,
VS.
CHEROKEE NATION.)

Wm. Wilson sworn and introduced in the above case as witness states as follows: I know the woman. Not able to say what blood she is looks as though she was half negro. After I left Satter's Prairie and moved on the Arkansas River they occupied my houses. My understanding was that they were under permit. My wife made the arrangement. That's all I know about them. I don't know who got the permit. It strikes me that they came from Kansas. They tried to prove by me in the U. S. Court that they were Cherokees, but could not. I have heard people say they were Indians. Some said they were not. He has some relations in this country.

William Wilson.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Cherokee Nation, Sept 19, 1883.

No. 148.

LUCY FLEETWOOD,
VS.
THE CHEROKEE NATION.)

Sam Johnson was introduced, sworn in open court testifies as follows: My name is Sam Johnson. I am a Cherokee. I live in the Cherokee Nation. I am 24 years old. I am acquainted with the claimant. She and my children have always been recognized as Cherokees, and they enjoyed the privileges of Cherokee Citizenship.

Lucy's boys have often been employed as guards by the sheriff of the district.

By Solicitor.

I live about one mile from Lucy's house. She did not draw any money in the last payment. The boys did not draw. I think they were gone to Texas at the time of that payment. Lucy has four children and three grand-children. She has two daughters. I have been acquainted with Lucy about 18 years. Lucy does not talk good Cherokee.

his
Sam X Johnson.
mark.

Martha W. Brown,)
vs.)
Cherokee Nation.)

Nancy Starr, after being duly sworn states:

Question by Attorney for the Cherokee Nation, R. F. Wily.

Where did you live in the Old Nation?

A. I lived near where Rev. Evans Jones lived at a place called (au-u-wha-se) or Hewasse. There was a river near where I lived called Hiwassee. I came to this nation from the Old Nation in Wofford's detachment. I never saw and knew Lucy Fleetwood's father. I don't know Lucinda to be a Cherokee by blood. She was said to be a Cherokee. Lucinda's mother probably died on the way from the Old Nation to this Nation, as she was very old. I have never seen her in this Nation. This Lucinda Fleetwood I speak of had no other name than Lucinda that I know of back in the old Nation. I never knew the husband of Lucinda Fleetwood. I know nothing about the affidavit purporting to have been taken before J. L. Ward, Judge of Delaware District last year, and I have never made any other statement in regard to Lucinda Fleetwood before any

officer since I was at wahl quah three or four years ago. I never was at Judge Ward's house, and he never was at my house. It has been a good many years- I have forgotten how long it has been since I was up on Beatties Prairie. The above is all I know in relation to Lucinda Fleetwood. I do not speak of understand anything in the English language.

her
Nancy X Starr.
mark.

The above statement taken as a cross-examination of an affidavit or statement purporting to have been made before J. L. Ward, Judge of Delaware District, C. N., June 20th, 1887.

The above statement signed by Nancy Starr, sworn to and subscribed to before me this the 11th day of May, 1888, at the residence of the deponent.

H. T. Landrum,
Special Deputy Clerk and Interpreter.

OFFICE OF DISTRICT JUDGE, DEL. DIST., C. N.

June 20th, A. D. 1887.

Personally came before me J. L. Ward, Judge of the District and Nation aforesaid, at my office on the day and date above written, Nancy Starr, who, after being duly sworn, deposes and says: I

lived right by Hosea Morgan and family in the Old Nation, and they never lived in the state whatever I know anything about, and I know Hosea Morgan's mother, and she talked good Cherokee, and passed for a full-blood Cherokee there. All the family talked Cherokee and passed for such in the Old Nation. I knew Mrs. Lucinda Fleetwood to be one of the family of Hosea Morgan. His (Hosea Morgan's) mother's name was Aswell, a full-blood Cherokee. These people were driven out heretofore of this country and they all came alike or was brought here. They lived right around us all the time and I have known them ever since I could recollect. I never heard of them being called anything but Cherokees. They were all alike and considered one family back there- meaning the entire family of the Cherokees. I have known them since they came here- this is, I have known Mrs. Lucinda Fleetwood since she came out here, and Mrs. Fleetwood's uncle, whose name was Rabbit, a full-blood. The last account I had of him was, he went down in in Blint District. His first wife was named Che-cow-wa, and she died back there, and he married again after he come here, and his daughter by his first wife was my sister. My age, as near as I can tell, is about 86 years. I was married and had two children when we were drove out of the Nation. I live in Delaware District, C. Nation, near Downing Creek School House, and further deponent sayeth not.

Sworn to before me on this the 20th day of June, 1887.

J. L. Ward,

Judge Del. Dist. C. N.

P. S. This certifies that (as to the credibility of the witness she has never been impeached, or that no record appears to that effect, and is reasonable to suppose her testimony good as anybody's

Respectfully,

J. L. Ward.

OFFICE OF J. L. WARD?
Judge Delaware District.
Cherokee Nation, I. T.

May 13th, A. D., 1888.

To the Honorable,

The Chairman of Commissioners' Court of Citizenship,
Tahazquah, Cher. Nation, I. T.

Dear Sir:

Having seen the deposition of Nancy Starr, as taken by the Nation's Attorney, R. F. Wily, wherein affiant swears that she made no statement to me, or before me, at any time, in the Lucinda Fleetwood or Martha Brown case, vs. Cherokee Nation, etc.

In justice to myself I thought to write you a few lines in explanation of my action, to-wit: Nancy Starr, above affiant, cannot speak nor understand the English language and I had to take her statement through an interpreter. Said interpreter (Lafayette Teel) being an interested party in the above case, I swore him to interpret without favor or partiality to the best of his judgement, just what the old lady stated, and as I cannot understand the Cherokee language myself, I simply wrote just what the interpreter told me she said.

I suppose they had started to my office for the purpose of making these affidavits and stopped over night with Teel, when the old lady Fleetwood (having been sick before) took suddenly ill again, and send for me to make their sworn statements before. I went to Teel's (some two miles from my office) and took the statements that have been so wholly denied by Nancy Starr, the affiant before mentioned. I had no means of known what she did state, except through the interpreter, I and I simply set down what he, the interpreter, dictated.

I thought this statement due the court from me that they might clearly understand the case, and further that I have no interest in the matter.

Respectfully and fraternally yours,
J. L. Ward, J. D. D. C. N.

Page 193, Docket "A".

Office Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept? 19, 1883.

Lucy Fleetwood,)
vs.) E. C. Boudinet, Attorney for Claim.
The Cherokee Nation.)

Petition filed September 19th, 1883.
Case submitted by Plaintiff Jan. 11th 1884.
Case set for final hearing Jan. 19th, 1884.
Case continued to Feb. 1, 1884.
Continued to September Term 1884.
Pass. Jan. 12th, by Solie, to the 29.
Submitted by both parties Sept. 29, 1884.

And now on this the 29th day of September A. D., 1884. This case coming on for final hearing, and all the evidence in the case being carefully read and duly considered it was decided by the Commission on Citizenship that the above named claimant Lucy Fleetwood is not a Cherokee Indian by blood, and the said Lucy Fleetwood is hereby legally and duly rejected.

Eli Spears, President,
Andrew Young, Com.

Attest. C. O. Frye, Clerk, Com.

Copy.

LUCY FLEETWOOD,)
vs.) Application for citizenship.
CHEROKEE NATION.)

To the Honorable Commission on Citizenship: The undersigned, Lucy Fleetwood, would respectfully represent that she is a Cherokee by blood, deriving her Cherokee blood from her mother, Awee, who was a sister to the father of Nancy Starr, a full blood Cherokee woman, now a citizen of Delaware District; that Mrs. Fleetwood's father, Hosia Morgan, came to this country with a Cherokee family of ten persons in 1834, and your petitioner would respectfully ask that she be admitted to those rights of Cherokee blood to which she is entitled. She is now a resident of Delaware District, C. N.

Respectfully,
Lucy Fleetwood,
per attorney, E. C. Boudinet.

Com. on Citizenship,
Tahlequah, Cher. Na.,
Sep 25, 1884.

Lucy Fleetwood,)
vs.)
Cherokee Nation.)

Judge Chas. Wickliff, introduced and sworn, testifies as follows: I am acquainted with Lucy Fleetwood, the claimant. I first knew her in North Carolina. I went to school together there. The school we went to was the Valley Town Mission. I know her father, Hosa Morgan. Knew her mother, Awes. Hosa Morgan's Cherokee name was Gunser (Buffalo). He left North Carolina in 1833 and came to Calhoun. He had three boys and five girls, eight children in all. The Morgan family was called Cherokee by some people and Catawba by others. Awes, or Annie, talked Cherokee a little. No one at that time disputed that they were Cherokees. They lived in the Cherokee Nation and owned an improvement. I live in Saline district. My age is 64 years.

Cross-examination.

The school, Valley Town Mission, where I and Lucy Fleetwood went, was entirely of Cherokee children. I do not know where Hosa Morgan or his wife lost their Cherokee blood. It is on account of her looks and general appearance I judge the claimant to be Cherokee. Her father, Hosa Morgan, had long hair and looked like a full Cherokee. His hair was straight and did not look like it was mixed with anything. Awes, wife of Hosa Morgan, had curly hair somewhat like it was mixed. They did not come at the time of the general emigration. They came to this country in 1834. After they came, I saw Lucy, the claimant, several times. They lived in Delaware District.

Charles Wickliff.

Sworn to and subscribed before me this Sep 15, 1884.

John L. Adair,
Clk. Com.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Cher. Na.,
September 15, 1884.

LUCY FLEETWOOD,)
vs.)
CHEROKEE NATION.)

Andrew Young, on part of the Nation, introduced and sworn, testifies as follows: I live in Sequoyah District. I am over thirty years old. I am a member of the Commission on Citizenship. I do not know anything about Lucy Fleetwood, the claimant. I am acquainted with Ba Fleetwood and Jerry. They are of the same family.

his
Andrew X Young.
mark.

Sworn to and subscribed this Sep 15 1884,

John L. Adair,
Clk. Com.

OFFICE OF COMMISSION ON CITIZENSHIP,

TAHLEQUAH, CHEROKEE NATION, Sep 19, 1883.

No. 184.

LUCY FLEETWOOD,

vs.
THE CHEROKEE NATION.)

Nancy Starr, for claimant, produced in open court, sworn, testifies as follows: My name is Nancy Starr; am a Cherokee by blood, live within the Cherokee Nation; and am about 60 years of age.

I am acquainted with the applicant. I lived neighbor to her in the Old Nation. She is a Cherokee by blood. Her mother was an Indian. She was my aunt. She was my father's sister. My father's name was Wah-ah-see-ah, and died at Coo-ta-nah-lah. I was acquainted with Lucy's mother. Her name was Awee-a very old woman. Awee's husband's name was Yonnie. Lucy and I came to this country together. Awee, the mother of claimant, was a full blooded Cherokee woman.

By Solicitor.

The claimant and I lived just about a mile from each other in the Old Nation. Claimant came to this country with the emigration. I and the claimant came to this country in Wofford's detachment. I don't whether Lucy's husband came to this country with her, and I don't know what family she came with. I suppose Lucy was married, for she had grand-children, but I don't know who the father of her children is. Lucy came on behind me when I came to this country.

By Claimant.

Lucy was an old woman when she came to this country, but I don't know how old she was. I don't know how old I was when I came to this country. I had two children. The father of my children was named Cah-tah-wee. He died up near Mayeville.

her

Nancy K Starr.
mark.

OFFICE OF COMMISSION OF CITIZENSHIP.

Tahlequah, Cherokee Nation, Sept 31st, 1883.

LUCY FLEETWOOD,

vs/

THE CHEROKEE NATION.)

Moses Ward introduced for the Nation, sworn in open court, testifies as follows: My name is Moses Ward. Am a Cherokee. Reside in the Cherokee. My age is 66 years. I am acquainted with the claimant, Lucy Fleetwood. I have known her ten or twelve years, but I have known of her about forty years. I don't know that she is a Cherokee by blood. She has never been called a Cherokee. She has been claiming to be a Cherokee for the last few years. The first I knew of the Fleetwood family- about 40 years ago they came into Settles Prairie there and stopped at Willy Wilson's, and he got a permit for them. Mr. Wilson and his son were talking together. I heard them say that they got a permit for them (the Fleetwood's) to live in the Nation. I don't know as I know anything more about it.

By the Solicitor.

They were considered and called by the people- some said they were Catabas- some said they were negroes, but I don't ever recollect ever hearing them called whites or cherokees. She looks pretty dark. She is a dark-skinned somebody. She is no white person. Her hair, however, is long and straight.

By Claimant.

I don't want to say she was not a Cherokee for I don't know what she is. I don't know upon what grounds they called them Catabas or negroes. I am not acquainted with old Nancy Starr. I know that the Fleetwoods have voted and at least I have known them to be refused the right to vote. I have known Quills Fleetwood to be refused the right to vote on the ground that he was not a citizen. This was within about 6 or 8 years ago, as well as I can recollect. I don't know whether Miss Fleetwood voted that also.

I was judge of the election when Quilla was rejected. I challenged him and there was no other objection. Ed. Voted. Ed. was living with a Cherokee woman. I don't know of my own knowledge that the Fleetwood's did not draw their bread-money, but it was my understanding that they did not draw. It was last night that I heard Billy Wilson and his son talking about it. Then I heard them say that Billy Wilson got a permit for the Fleetwood's. I don't know that Quilla and Ed. ever voted after Quilla was refused. Of my own personal knowledge, I don't know whether Mrs. Fleetwood is a Cherokee or not. I don't know what her blood is. All I know about is it is neighborhood talk. I don't know that her right to Cherokee Citizenship has ever been questioned before any tribunal competent to try the question. It was in Delaware District that I heard them called Catapas. I can't mention names of the persons who said they were Catapas.

Moses Ward.

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EXECUTIVE DEPARTMENT.

CHEROKEE NATION.

I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct transcripts and copies therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Oct. 1896.

(Signed) John L. Adair.

Executive Secretary.

(SEAL)

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Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKannon, T. Cabaniss, and A. E. Montgomery, Commissioners.

In the matter of the application of Eljerry Fleetwood, Martha W. Brown, Stephen D. C. Edwards Lafayette Teel, et al., for citizenship in the Cherokee Nation.

Nation's No.

Commissioner's No.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Moses Morgan through whom the petitioner claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, West to the Indian Territory as at present located and defined, that his

name does not appear on any of the authenticated rolls of said Nation; that neither any of her ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Respondent, for a further and complete defense to the aforesaid Application says: That, heretofore said applicants made application before a legally constituted Court, or Commission on Citizenship, having jurisdiction over applications for re-admission to citizenship in the Cherokee Nation; That the said cases were tried upon their merits; that upon a final hearing, judgements were duly given against the applicants and in favor of this Nation. A duly certified transcript of the aforesaid proceedings and judgements are annexed hereto and made a part of this answer.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.
(Signed) John L. Adair.

Subscribed and sworn to before me this, the 6 day of Oct. 1896.
(SEAL) (Signed) D. J. Ball,
Notary Public.

Endorsements: Nation's No. 4201.
Commission's No. ...

In re Application of Eljerry Fleetwood, et als.

DEMUERER AND ANSWER.

Filed Feb. 26 1897.
Jas. A. Winston.

Filed Oct 21
H. H. Janoway, Sec.

(The following is the decision and record of the Commission to the Five Civilized Tribes as found on page 443, Docket "B.")

5572.
Eljerry Fleetwood, et al.
Cherokee Nation.

Fort Smith Arkansas,

November 24, 1896.

Appealed.

Filed Sept. 7th, 1896. Answer filed.
Application of W. C. Brown, Jerry Ward,
Mrs. Eljerry Fleetwood, Mrs. S. D. C.
Edwards and John Boswell, citizens by
adoption, and Lafayette Teel, Stephen D.
C. Edwards, Lucy Teel Tinsup, Johnny Fleet-
wood, Anzoni Fleetwood, Raxie Fleetwood,
Minnie Fleetwood, J. C. Johnson, Fleetwood,
Eddie Fleetwood, Martha Brown, Carrie
Brown, Carrie Brown, Wm. D. Brown, Lula
J. Brown, Martha Brown, Myrtle Brown,
Grover Brown, Lottie Brown, Samuel Meeks,
Willie Meeks, Sarah Fleetwood Ward, Andrew
Palmore, Susan Palmore, Grover Cleveland
Ward, Jerry Ward, Henry Ward, Zelma Fleet-
wood, Willie Fleetwood, Lavance Fleetwood,
Judy Fleetwood, Zelma Edwards, Stephen
Edwards, Emma Edwards, Minerva J. Teel Bos-
well, Calvin A. Teel, Wm. L. Teel, John H.
Teel, Nannie Teel, Eljerry Fleetwood, and
Prara Johnson citizens by blood; all ad-
mitted.

Appealed.

See page 444. Court No. 252.

Con Carlos and Standfield, Vinita I. T.

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IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT AT MUSKOGEE.

Cherokee Nation,

Appellant.

Eljerry Fleetwood, et al., Appellee.

PETITION FOR APPEAL AND ASSIGNMENT OF ERRORS.

Now comes the Cherokee Nation by its attorneys and most res-
pectfully represents to this Court that under act approved June
10th, 1896, the appellants containing the following named number of
persons:

Eljerry Fleetwood,
Sarah Ward,
LaFayette Teel,
Samuel Meeks,
Susan Palmore,
..... Ward,
Johnie Fleetwood,
Minnie Fleetwood,
Zelma Fleetwood,
Luvana Fleetwood,
Cassie Brown,
Lottie I. Brown,
Nertle Brown,
Lottie Brown,
Stephen Edwards,

Minerva J. Boswell,
William LaFayette Teel,
Nannie Teel,

Stephen D. C. Edwards,
Martha W. Brown,
Willie Meeks,
Andrew Palmore,
Grover Cleveland Ward,
..... Ward,
Roxie Fleetwood,
Arizona Fleetwood,
Willie Fleetwood,
Julay Fleetwood,
William D. Brown,
Martha Brown,
Grover Brown,
Zelma Edwards,
Emma Edwards,

Carrie Ann Teel,
John Hugh Teel,

made their application before the Honorable Dawes Commission as provided in said Act for enrollment as Cherokee citizens; that said case came on for hearing before said Commission upon the petition and affidavits of the appellees, and the answer and affidavits of the appellant, and on the 24 day of November 1896, the aforesaid appellees were duly decided to be Cherokee citizens, and entitled to enrollment as such.

Wherefore said Cherokee Nation prays an appeal from the finding and decision of said Honorable Commission to this Honorable Court, requiring all papers, records and proceedings in said case may be sent up to this Court, their No. being No. 5568.

Your petitioner further says that the decision and judgment of said Commission is erroneous in this case, to-wit:

1st. Because said Commission was without jurisdiction to hear and determine said case and to admit persons to citizenship in the Cherokee Nation.

2nd. Because said decision and judgment was contrary to law.

3rd. Because said judgement and decision was contrary to the evidence.

Attorneys for Appellant

Indorsements:

No. 252. Cherokee Nation vs Eljerry Fleetwood, et als.

Petition for appeal. Filed Jan 20 1897.

Jas. A. Winston,
Clerk.

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In the United States Court within and for the Northern District of the Indian Territory,
Eljerry Fleetwood, et al.

vs.

The Cherokee Nation.

Come now the plaintiffs in the above case and move to dismiss the appeal therein for the reasons:

1st. That it appears of record in said case that the same was filed on the 7th day of Sept. 1896 and that the Cherokee Nation did

not file its answer within the thirty days allowed, but in default, and plaintiffs are therefore entitled to judgment by default. That there is no proper application for appeal therein, the same not being signed or sworn to.

Wherefore plaintiffs pray that the appeal herein be dismissed and was filed out of time.

(Signed) Don-Carlos & Stanfield,
Attorneys for Plaintiffs.

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Indorsements: Eljerry Fleetwood, et al.

vs.

The Cherokee Nation.

Motion to dismiss the appeal.

Filed Sep. 8, 1897.

Jas. A. Winston,
Clerk.

Don-Carlos & Stanfield,
Attys.

---ooo000ooo---

Received of H. M. Jacobway, Jr., Secretary to the Commission to the Five Civilized Tribes, the original papers, in the cause of
vs. Cherokee Nation, as follows:

Witness my hand and official seal at Muskogee this the 26
day of Feb'y. 1897.

(Signed) J. A. Winston,
Clerk.

Indorsements:

Court No. 252.

No. 5573.

R E C E I P T.

For original papers in the case of
Eljerry Fleetwood, et al.,

vs.

Cherokee Nation.

Received and filed this day of 189.

Secretary.

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IN THE UNITED STATES OF THE NORTHERN DISTRICT, AT MUSKOGEE.

CHEROKEE NATION:

vs.

ELJERRY FLEETWOOD ET AL.

REPORT OF SPECIAL MASTER.

J. M. Gibson, Special master herein, respectfully shew to the Court that under the order of reference in this cause heretofore

Made by the Court, I have examined the proof and pleadings herein filed, and made a part of this report, and that I find as follows:

I

That this application was filed on September 7, 1896, before the Commission to the Five Civilized Tribes by the following named parties: Eljerry Fleetwood, Sarah Ward, Lafayette Teel, Samuel Meeks, Stephen D. C. Edwards, Martha W. Brown, Willie Meeks, Andrew Palmore, Susan Palmore, Grover C. Ward, Ward, Ward, Johnie Fleetwood, Roxie Fleetwood, Minnie Fleetwood, Arizona Fleetwood, Zelma Fleetwood, Willie Fleetwood, Luvena Fleetwood, Juley Fleetwood, Cassie Brown, Wm. D. Brown, Loolie I. Brown, Martha Brown, Myrtle Brown, Grover Brown, Lottie Brown, Zelma Edwards, Stephen Edwards, Emma Edwards, Minerva Jane Boxwell, Carrie Ann Teel, Wm. Lafayette Teel, John Hugh Teel and Nannie Teel,--all of whom are residents of the Cherokee Nation, Indian Territory, and who are the children, grand-children, and great-grand-children of Lucinda Fleetwood, who was the daughter of Hosea Morgan, Sr., who is said to have been a Cherokee Indian by blood, who emigrated to the present Cherokee Nation from the State of Georgia in the year 1834.

That the parties file in support of their application a very large number of affidavits and other written testimony, also letters of administration granted to Lucinda Fleetwood upon the estate of Charles Fleetwood by the Cherokee Judge of Delaware District; a marriage license issued to R. P. Palmore, a United States citizen, authorizing him to marry Sarah Fleetwood in 1874, under the Cherokee laws, a copy of the jury venire of Delaware District, including the name of Lafayette Teel; also a certificate from the Interior Department showing that Hosea Morgan, Sr., in January 1834 agreed to emigrate to the present Cherokee Nation, and to surrender his land in the old Cherokee Nation east of the Mississippi river; and also a certificate from the Interior Department showing that Hosea Morgan's improvement was appraised; and also a certified copy of the roll of 484 Cherokee Indians who emigrated from Georgia to the present Cherokee Nation in 1834, which includes the name of Hosea Morgan, Sr.

II

That the Cherokee Nation filed before said Commission its demurrer and answer on October 21, 1896, and also filed a copy of the proceedings before the Cherokee Commission on Citizenship in 1888, in which proceeding Martha W. Brown et al and Lafayette Teel and others were by that Commission declared not to be citizens of the Cherokee Nation; and also a certificate showing that Lucy Fleetwood made application for citizenship to the Spears Commission in 1883, and was by said Commission rejected.

III

That on November 24, 1896, the Commission to the Five Tribes admitted the petitioners to citizenship in the Cherokee Nation, from which decision the Cherokee Nation appealed to this Court on Jan. 20, 1897. That on September 8, 1897, the petitioners filed a motion to dismiss the appeal herein for reasons therein shown.

IV

That I find that the appellants are Cherokee Indians by blood and are residents of the Cherokee Nation, Indian Territory, and that they are the descendants of Hosea Morgan, Sr., who emigrated from the State of Georgia to the present Cherokee Nation in 1834, and who was at the time a recognized citizen of the Cherokee Nation.

That the family has lived in the Cherokee Nation ever since that time, and the members have been recognized as Cherokee Indians ever since, though there is no proof to show that they have ever been enrolled since reaching the Cherokee Nation, Indian Territory.

That the authorities of the Cherokee Nation have in numerous instances recognized these appellees as citizens of the Cherokee Nation, but that the proof shows that Lafayette Teel, Minerva Teel, Carrie A. Teel, Wm. L. Teel, Martha W. Brown, Cassie Brown, Wm. D. Brown, Lula J. Brown, Martha Brown, and Lucy Fleetwood were rejected by Cherokee Citizenship Commissions in 1883 and 1886, as above set out. That S. D. C. Edwards swears that at the time of the decision in the Teel & Brown cases, the application and evidence had been withdrawn to be used in the trial of Lafayette Teel for murder at Ft. Smith.

Respectfully submitted this 10th day of November, 1899.

(Signed) H. A. Gibson,

Special Master.

Indorsements:

252.

Cherokee Nation v Eljerry Fleetwood, et al.

Report of Special.

Filed Nov. 10/ 1899.

Jas. A. Winston,
Clerk.

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(The two following documents are found among the papers in this case inclosed in an envelope addressed to "Messrs. Don Carlos & Stanfield, Vinita, Indian Territory.")

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Fort Gibson, Indian Territory, July 24, 1897.

Messrs. Don Carlos & Stanfield,
Vinita, Indian Territory

Sirs:-

I have the honor to acknowledge the receipt of your communication of July 22nd, relative to the certified copy in the Eljerry Fleetwood et al. vs. Cherokee Nation case. The matter had not slipped my mind, but I have been too busy to attend to the matter. On the receipt of your letter I pulled away from other business to get this matter to you on to-day's mail. Please explain this matter to the Attorney for the Nation, and have him to consent that it shall be used in lieu of the one filed with the papers when the appeal was taken.

Very respectfully,

H. H. Jadway,
Sec'y.

Commissioners.

Henry L. Brown.

Frank C. Armstrong.

Archibald A. McAllister.

Thomas J. Gorman.

Alexander A. Montgomery.

H. H. Jadway, Secretary.

Fort Smith, Arkansas, November 24, 1896.

Eljerry Fleetwood, et al.,
vs.
Cherokee Nation.

Filed Sept. 7, 1896, Answer filed. Application of W. C. Brown, Jerry Ward, Mrs. Eljerry Fleetwood, Mrs. B. D. C. Edwards and John Howell, citizens by adoption, and Lafayette Teel, Stephen D. C. Edwards, Lucy Teel Tineup, Johnny Fleetwood, Ansona Fleetwood, Fannie Fleetwood, Minerva Fleetwood, J. C. Johnson Fleetwood, Eddie Fleetwood, Martha Brown, Carrie Brown, Wm. D. Brown, Lala J. Brown, Martha Brown, Martha Brown, Grover Brown, Lettie Brown, Samuel Hooks, Willie Hooks, Sarah Fleetwood Ward, Andrew Palmore, Susan Palmore, Graver Cleveland Ward, Jerry Ward, Henry Ward, Felix Fleetwood, Willie Fleetwood, Lawrence Fleetwood, July Fleetwood, Zelma Edwards, Stephen Edwards, Emma Edwards, Minerva J. Teel, Bevelly, Calvin A. Teel, Wm. J. Teel, John H. Teel, Nannie Teel, Eljerry Fleetwood, & Prura Johnson, citizens by blood, all admitted.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Cherokee Record B. page 443 of the Commission to the Five Civilized Tribes. Given under my hand and official signature this the 24 day of July, 1897.

(Signed) H. M. Jacoway, Jr.,
Secretary.

The above certified copy of the record is substituted in lieu of the one sent to the Court when appeal was taken, for the reason that in the former copy the words "all admitted," were left out.

(Signed) H. M. Jacoway, Jr.,
Secretary.

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(The following record is found in Docket "B" page 444 of the records of the Commission to the Five Civilized Tribes:)

Docket No. 5573. Court No. 252.

Eljerry Fleetwood, et al.,
vs.
Cherokee Nation.

By judgment of U. S. Court of Nov. 10th, 1899, the following persons were declared entitled to citizenship in the Cherokee Nation.

Eljerry Fleetwood,

Stephen D. C. Edwards,

Martha W. Brown,

Willie Hooks,

William Fleetwood,

July Fleetwood,

Wm. D. Brown,

Martha Brown,

Grover Brown,

Samuel Hooks,

Emma Edwards,

Bevelly Ann Teel,

John H. Teel.

By the same judgment citizenship was denied the following persons.

Sarah Ward,
Sam'l Hooks,
Susan Palmore,
..... Ward,
Tommy Fleetwood,
Hinnie Fleetwood.

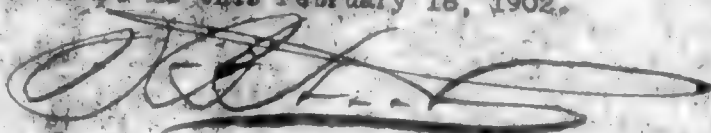
Andrew Palmore,
Grover Cleveland Ward,
..... Ward,
Roxie Fleetwood,
Arizona Fleetwood.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing transcript of the papers and records in the matter of the application of Eljerry Fleetwood, et al., for admission to citizenship before the Commission to the Five Civilized Tribes in the year 1893, and that the above and foregoing is a true and complete copy of all the papers and records in said case on file with this Commission.

J. G. Rosson

Subscribed and sworn to before me this February 18, 1902.



Commissioner.

1901

The undersigned, being duly sworn, states that he is a member of the
to the Division of the Five Civilized Tribes, and that the foregoing
the testimony and proceedings in this case, and that the foregoing
is a true and correct statement of his statements and notes thereof.

[Signature]

Subscribed and sworn to before me this 21st day of October, 1901.

[Signature]
Notary Public.

894

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., October 7, 1903.

In the matter of the application of Samuel Holmes for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Sallie, and children, Edward, Frankie and Stonewall Holmes, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Samuel Holmes.
Q What is your age? A I am fifty-four.
Q What is your postoffice? A Hanson.
Q Are you the same Samuel Holmes who made application to this Commission for enrollment as an intermarried citizen on August 7, 1900? A Yes sir.
Q What is your wife's name? A Sallie.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Is she living at this time? A Yes sir.
Q When were you and your wife Sallie married? A May 28, 1895.
Q Had you ever been married prior to your marriage to your wife, Sallie? A Yes sir.
Q How many times had you been married before you married this wife? A Once.
Q Was your first wife a white woman or Cherokee? A White woman.
Q Was she living or dead when you married Sallie? A She was dead.
Q Were you married to your wife, Sallie, under a Cherokee license? A Yes sir.
Q She is your second wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife, Sallie, lived together all the time since you were married up to the present time as husband and wife? A Yes sir.
Q Never been separated? A No sir.
Q You never have been married to any other woman since you married Sallie? A No sir.
Q You and she were living together as husband and wife on the first day of September, 1903? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About 14 years.
Q Have you lived in the Cherokee Nation all the time for the last fourteen years? A Yes sir.
Q Continuously? A Yes sir.
Q Never lived out for the last fourteen years? A No sir.
Q How long has your wife, Sallie, lived in the Cherokee Nation? A I suppose she was raised here.
Q Lived here all her life? A Lived on her father's homestead ever since she was a child at least.
Q How long have you known your wife, Sallie? A Ever since I've been to the territory; she was just a small girl when I moved to the territory.
Q Has she lived in the Cherokee Nation for the last fourteen years? A Yes sir, a couple of miles from where I live now.
Q These two children Edward and Frankie are your children by your wife, Sallie? A Yes sir.
Q Are they both living now? A Yes sir.
Q Have they lived in the Cherokee Nation all their lives? A Yes sir.

2- Samuel Holmes.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. J. Rotherbecker

Subscribed and sworn to before me this 31st day of October, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Holmes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Sallie, and his children, Edward, Frankie and Stonewall Holmes, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 7, 1900, Samuel Holmes appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Sallie, and his children, Edward and Frankie Holmes as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on August 20, 1900, and at Muskogee, Indian Territory, on February 10, and October 7, 1902. On October 30, 1902, a duly approved birth affidavit was filed for Stonewall Holmes and the same is made a part of the record herein.

The evidence shows that Samuel Holmes was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on May 27, 1895, to one, Sallie Fleetwood, a citizen by blood of the Cherokee Nation who is duly identified on the Cherokee pay rolls of 1883, 1886, 1894 and the Cherokee census roll of 1890. The above named children are the issue of the aforesaid marriage, and they are all identified by birth affidavits made a part of the record herein.

The evidence further shows that Sallie Holmes has resided in the Cherokee Nation since she was a child, and that she and her husband have been living together in said Nation ever since the date of their marriage. Their children are minors and their residence is, therefore, considered to be that of their parents.

It is, therefore, the opinion of this Commission that Sallie Holmes, Edward Holmes, Frankie Holmes and Stonewall Holmes should be enrolled as citizens by blood of the Cherokee Nation, and that Samuel Holmes should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED, Tame Bixby.

Acting Chairman

SIGNED, T. B. Needles.

Commissioner

SIGNED, C. E. Crockerides.

Commissioner

Muskogee, Indian Territory,

this DEC - 1 1902

QBR

COMMISSIONERS.
HENRY L. DAWES.
TAMS DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 94.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

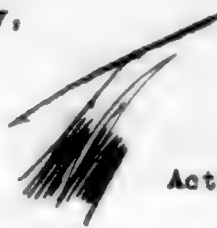
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Sallie Holmes for the enrollment of herself and her three minor children, Edward, Frankie and Stonewall Holmes, as citizens by blood, and for the enrollment of her husband, Samuel Holmes, as a citizen by intermarriage, of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 76.

~~IN THE MATTER OF THE APPLICATION OF~~

~~Samuel Holmes et al~~

~~FOR ENROLLMENT AS~~

~~CHEROKEE CITIZENS.~~

- ~~A. Original testimony Aug 7-1900.~~
- ~~B. Memo. of application, Aug 7. 1900.~~
- ~~C. Birth affidavit, Edward Holmes.~~
- ~~D. " " Frankie Holmes.~~
- ~~E. Additional testimony Aug 20-1900.~~
- ~~F. Affidavit relative to marriage.~~
- ~~G. Certified copy Marriage license & certificate.~~
- ~~H. Notice of final consideration.~~
- ~~I. Supplemental test and order closing test.~~
- ~~J. Copies of papers filed in 1896 in support of application of that time.~~

~~11-11-1902~~
Copies of testimony filed with
Cherokee Nation. 1/17/01

~~Cancelled and transferred
to Cherokee 9995~~

Cher D95

Cher D95

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 13 1900



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 7, 1900.

In the matter of the application of Alice Ross for the enrollment of herself and children as Cherokees by blood; being sworn and examined by Commissioner Hendon she testifies as follows:

Q What is your name? A Alice Ross.
Q What is your age? A Forty-four.
Q What is your post-office address? A Sallisaw.
Q Are you a Cherokee citizen by blood? A By blood.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A All my life.
Q What is the name of your father? A Joshua Sutton.
Q Is he living? A No sir.
Q Was he a Cherokee citizen by blood? A No sir.
Q He is a white man? A Yes sir.
Q What is the name of your mother? A Nancy Switzer.
Q Is she living? A No sir.
Q How long has she been dead? A About thirty years.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Are you married? A Not lawfully.
Q Have you any children? A Yes sir.
Q Give me the names of your children under twenty-one years of age?
A Winnie M., nineteen years old; Dora F., sixteen years old; Stella
fourteen years old.
Q Are these children named Ross? A Yes sir.
Q Are they all alive and living with you? A Yes sir.
Q They are your children? A Yes sir.
Q What was your name before you was married to Ross? A Sutton.
1880 roll page 1093 #1152, Alice Ross, Sequoyah District.
1884 roll, page 986 #1003 Alice, Ross, Sequoyah District.
Examined by Cherokee Representative Hastings:
Q Were you born and raised in this country? A Yes sir.
Q Never lived out of it? A No sir.
Q Your citizenship ever been questioned? A No sir.

David W. Ross, being sworn and examined by Commissioner Hendon, testifies as follows:

Q What is your name? A David W. Ross.
Q What is your age? A Fifty-three.
Q What is your post-office? A Sallisaw.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q You know Alice Ross? A Yes sir.
Q Are you acquainted with the circumstances by which her name does not appear upon the roll of 1880? Were you making the roll at that time? A I was representing her as her husband and I was living with her then, but we wasn't lawfully married.
Q Who was taking the roll at that time? A Old Morgan and John Childers if I remember right.
Q Did you give them the name of Alice Ross to be enrolled?
A Yes sir. She always went by that name.
Q You know why they didn't put her on the roll? A I do not.
Q Was she entitled to enrollment? A Yes sir.
Q She was a Cherokee citizen by blood at that time? A Yes sir.
Q Always been recognized as a Cherokee citizen? A Yes sir.
Q Did you know her mother? A I did not; I knew her father.
Q What nationality was he? A He was supposed to be a white man.
Q But you didn't know her mother? A No sir.
Q She says her mother was a Switzer, were the Switzers Cherokees by blood? A Yes sir.

Examined by Cherokee Representative W.W. Hastings:

Allen Ross at al 22

Q How long have you known this woman? A I have known her ever since 1879.

Applicant recalled and further examined.

Conf'r Needles:

Q What was your mother's given name? A Nancy Swinner.
Q How long has she been dead about thirty years? A Yes sir.
Q How much Cherokee blood did she have? A About a quarter.

Oscar F. Adair, being sworn and examined by Commissioner Needles testifies as follows:

Q What is your name? A Oscar F. Adair.
Q What is your age? A Fifty-two.
Q What is your post-office? A Gallisaw.
Q You are a Cherokee citizen? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Alice Ross? A Yes sir.
Q Did you know her mother? A No sir.
Q How long have you known Alice Ross? A Fifteen or twenty years.
Q What has she been considered in the Cherokee Nation as to her citizenship? A I never have heard it questioned; she was always considered as a Cherokee by blood.
Q You know the reason why her name isn't on the roll of 1896? A No sir. I do not.
Q Did you know her father? A No sir.

Applicant, recalled, and further examined.

Conf'r Needles:

Q You only apply for yourself? A Yes sir, and my children, 1896 roll, children, page 1063 #1156 Mamervie Ross, Sequoyah District.
1896 roll, page 1065 #1157 Dora Francis Ross, Sequoyah District.
1896 roll, page 1063 #1158 Stella Ross, Sequoyah District.
1894 roll, page 986 #1097 Minnie M. Ross, Sequoyah District.
1894 roll, page 986 #1098 Dora F. Ross, Sequoyah District.
1894 roll, page 986 #1100 Stella Ross, Sequoyah District.
Q These children alive and living with you? A Yes sir.

Conf'r Needles: The name of Alice Ross appearing upon the ~~1896~~ census roll of 1896 and the pay roll of 1894; upon examination of the rolls of 1890 her name is not found. From the testimony it would appear that she is a Cherokee citizen by blood; final judgment as to her application for enrollment will be suspended and her name will be placed upon a doubtful list. The name of Minnie M. Ross, and Dora F. and Stella Ross, appearing upon the census roll of 1896 as well as the pay roll of 1894, said Alice Ross avers that they are her children and illegitimate, and the citizenship of Alice not having been fully established, the final judgment as to the citizenship of these children will be suspended; they will also be placed upon a doubtful card.

M.D. Green, being first duly sworn, states that as stenographer to the Five Tribes Commission he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 10th day of August 1900

Commissioner.

Commission with me in the Commission.

Q Now, you will have to live with the priest with the Commission? A Yes, sir.

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Wp.

Cherokee D 96.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 16, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Alice Ross et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw I.T., Attorney
for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION, of Mr. Huckleberry:

Q Do you submit this case to the Commission for final consideration?

MR. HUCKLEBERRY: Yes, sir.

ALICE ROSS, the applicant, being sworn, and examined by the Commission, testified as follows:

Q What is your name? A Alice Ross.
Q How old are you, Mrs. Ross? A About 46 or '7.
Q What is your post-office address? A Sallisaw.
Q You are an applicant before this Commission for enrollment as a Cherokee are you? A Yes sir.
Q Where were you living when the 1880 roll was made? A Sallisaw.
Q Why does your name not appear upon that roll? A I do not know.
Q Did you ever go by any other name other than Ross, what was your maiden name? A Sutton.
Q Were you married to Ross when this roll of 1880 was made? A In the old Indian style.
Q Were you ever married to anyone else besides Ross? A No sir.
Q Did you apply to the census enumerators when the roll of 1880 was made for enrollment? A He enrolled me, Dave did himself.
Q Who, Dave Ross, your husband? A Yes sir.
Q Your name is not on the 1880 roll, either as Sutton or Ross; were you actually living in the Cherokee Nation when that roll was made? A Yes sir.
Q Did you ever live outside of the Cherokee Nation? A No sir, never was, when I was a child I stayed out of the Cherokee Nation about four years.
Q How old were you when you went out? A I expect I was about 5 or 6 years old.
Q You were only gone four years? A Yes sir.
Q Is that the only time you were out? A Yes sir.
Q Did you ever live with any other man besides Ross? A No sir.
Q When did your father and mother die, did they die when you were young? A Yes sir.
Q Who did you live with after they died? A I lived with Delilah Starr, Ellis Starr's widow.
Q In what district did she live? A Sequoyah.
Q Is she living now? A No sir.
Q She died before the 1880 roll was made? A I think so.
Q Did you live with any other family after you lived with her? A (No reply)
Q Who did you live with after you lived with Delilah Starr? A Well the next time I was enrolled I was living with Judge Paulkner, when they enrolled about '70, wasn't it?

BY COMMISSION: Applicant is not identified on the 1880 roll under either of those names.

BY MR. HUCKLEBERRY:

Q State about when it was you and Mr. Ross commenced living together? A Last October was 26 years.

Q Did he at the time you and him lived together recognize you as his wife and introduce you around his relatives and friends as his wife? A Yes sir.

Q Did he live with you up until the time of his death? A Yes sir.

Q Did he ever obtain any divorce from you in any of the courts of the country? A No sir.

Q Was your father and mother Cherokees by blood? A My mother was a Cherokee by blood.

Q What was her maiden name? A Nancy Swimmer.

Q Your mother was a Cherokee by blood, member of the Cherokee Nation? A Yes sir.

Q And Mr. Ross, you say, reported to you that he enrolled your name at that time? A Yes sir.

Q You know whether you drew any money or not? A Yes sir, I drew money.

Q At what times did you draw money? A About along in '70 I think, we drew money, that was before I lived with him, and then in '80 I think we drew money.

Q Did you draw money from the Cherokee Strip payment also, you and your children? A Yes sir, and then we drew the Old Settler money. My mother drew the Old Settler money years ago.

Q You never have lived anywhere except in the Cherokee Nation only a short time in the war? A Yes sir.

Q Always been a citizen of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q I have been advised that you were born in Arkansas, I want to know whether that is true or not? A No sir, I was born in Sequoyah District.

Q At whose place? A Nancy Bicker's place, as well as I remember.

Q Were you born before the war? A Yes sir.

Q I don't remember your age, how old are you? A About 46 or '7 as well as I remember.

Q When did you come back into the Nation after the war? A After the war?

Q Yes. A Just a short time after.

Q Well about how long? A Well about a year I think; hardly so long, as well as I remember.

Q Who was David Ross living with besides you that he held out to the community as his wife, what other woman, when you took up with him in '75 or '6? A No woman at that time.

Q Didn't he have any other woman at all? A No sir.

Q Had he had before that? A Yes sir, he had Alex Ross's mother.

Q He had Alex Ross' mother didn't he? A No sir.

Q He had her before? A Afterwards.

Q How old is Alex? A He is about 23 or '4.

Q Well, he was married to Alex's mother wasn't he? A Yes sir.

Q Well he lived with her along and recognized her as his wife, didn't he? A Yes sir yes, afterwards.

Q Never did marry you? A No ceremony.

Q You claim as a Cherokee by blood anyhow? A Yes sir.

Q Well now, since you commenced living with David Ross, say '75 or '6, have you lived with him continuously up until his death last year? A Yes sir.

Q All the time? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q You were not born in Arkansas then? A No sir.

Q Born in the Cherokee Nation? A Born in the Cherokee Nation.

BY MR. HUCKLEBERRY:

Q How many years after you and Dave Ross lived together was it before he brought your sister there, Mary Ross to live in the family? A Well it was the second year after we lived together.

Q Well now you stated that he married Mary Ross after, you know what year it was he married her? A No sir, I don't know.

BY MR. HASTINGS:

Q Never married you in 1892? A No sir.

BY MR. HUCKLEBERRY:

Q You were never divorced from him or he never got a divorce from you, did he? A No sir.

Q He always held you out and recognized you as his wife, up until the time he married Mary did he not? A Yes sir.

JOE SUTTON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A Joe Sutton.

Q How old are you? A 28 or '9 I suppose.

Q What is your post-office address? A Sallisaw.

BY MR. HUCKLEBERRY:

Q Are you a Cherokee by blood? A Yes sir.

Q You on the Dawes roll, the roll compiled by the Dawes Commission?

A Yes sir.

Q What relation is Alice Ross to you? A Sister.

Q Is she a Cherokee by blood also? A Yes sir, so far as I know.

Q What was your mother's name? A Nancy Swimmer.

Q And your father and mother were all the same, were they not?

A Yes sir.

Q Well now, how long have you remembered back of being acquainted with Mrs. Ross, Alice Ross? A About '76 or '75.

Q You know when Mrs. Alice Ross first commenced living with Dave Ross? A No sir, I do not.

Q Don't remember that? A No sir.

Q Has she continuously lived with him as far back as you remember?

A Yes sir.

Q Did he at any time recognize her as his wife? A Yes sir.

Q Has she, so far as you know, since that time been living in the Territory? A Yes sir.

BY MR. HASTINGS:

Q Where was this woman born? A I can't tell you, I don't know.

Q You never heard that she was born in Arkansas? A No sir.

Q She is your full sister? A Yes sir.

Q Same father and same mother? A Yes sir.

Q Dave Ross had another woman living with her at the same time?

A Yes sir.

BY MR. HUCKLEBERRY:

Q Which did he live with first, do you remember? A No sir, I don't remember.

BY COMMISSION, to Mr. Huckleberry:

Q Do you submit this case to the Commission, do you? A Yes sir.

Q Do you want to file a brief in this case? A I presume I may;

I want to rely on the decision made by the Court of appeals.

BY COMMISSION: We will give you ten days in which to file brief; you will have to file a copy of the brief with the Commission and one with the Cherokee Nation.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 19, 1902.

Commissioner.

"R"

Cherokee D 95

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Alice Ross for the enrollment of herself and children as Cherokee citizens.

Appearances:

J.H. Huckleberry, Sallisaw, I. T., attorney for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: By agreement between the attorney for the applicant and the representative of the Cherokee Nation this case, which was closed on the 17th day of February 1902, is this day, to-wit: the 3rd day of March, 1902, re-opened for the purpose of giving the applicant an opportunity to introduce testimony which she claims is very material in her case.

DELILA COLEMAN, being first duly sworn and being examined testified as follows:

BY MR. HUCKLEBERRY:

- Q State to the Commission there your name? A Delila Coleman.
Q What is your age? A 52.
Q What is your post-office address? A Aikin.
Q You know Alice Ross? A I know Yes sir.
Q How long have you known her? A I guess I have known her ever since I can remember.
Q How many years back would that be? A I could not tell you exactly; ever since we was children.
Q Were you raised together? A No sir, we was not raised together.
Q How long have you known her? A Ever since I could remember.
Q You and her were children together? A Yes sir, but I am some older than she is.
Q Did you know her mother before? A Yes sir.
Q What was her mother's name? A Her maiden name was Nancy Swimmer.
Q What was Alice's father's name? A Jake Sutton.
Q What was the blood of Alice's mother? A Cherokee by blood.
Q Recognized as a Cherokee? A Yes sir. Father and mother both were Cherokees.
Q She an Old Settler? A Yes sir.
Q What relation, if any, are you to her? A She is my second cousin. Her mother and my mother was two sister's children.
Q Where has Alice always resided so far as you are aware of? A In the Nation, here in Sequoyah District.
Q You know about her and Dave Ross living together about the circumstances of it? A Yes sir.
Q When he and Alice went together what was the understanding and what did he say with reference to the matter as to whether he was her husband or not? A He always acknowledged her to be his wife, all along all I know anything about it.
Q Was she recognized as his wife from the time he took up with her up until he died? A Yes sir, he had her there at his home.
Q You never knew of her being divorced from him or anything of that character? A No sir, never did.
Q How far have you lived from where Alice Ross has i'or the last 25 or 30 years? A About a mile I guess, I think that is what they always said, a mile east.
Q Her children are also Cherokees? A Yes sir.
BY MR. HASTINGS:
Q Has this woman, Alice Ross, always ever lived east of Sequoyah District? A Not as I know of, since the war.
Q Well, did she before the war? A Yes sir, time of the war she

left home when everybody else did, and come back to the Cherokee Nation, and lived in Sequoyah District.

Q What name did she go by before she lived with David Ross? A Alice Sutton.

Q Where was she living, close to what town? A Fort Smith. On this side of the river.

Q How far? A I could not tell you exactly.

Q Up to the time she and David Ross went to living together did she live there continuously and all the time in Sequoyah District? A Oh yes sir.

Q Since she returned here after the war has she ever lived in Arkansas? A Not as I know of.

Q Do you know that? A No sir.

Q Did you ever hear it? A No sir, I never did hear of her living in Arkansas.

Q I want to know how far you lived from her when she lived two miles this side of Fort Smith; where were you living? A 18 miles.

Q You knew of her all that time? A Yes sir.

Q And have known her ever since that? A Yes sir, I didn't go south and her parents did; I didn't know about it then; I didn't leave the Territory.

Q Did she ever live with anybody else as his wife except Dave Ross? A No sir.

Q Her children are all by him? A Yes sir, I know of three of her children's birth.

Q You know whether she commenced living with Ross first whether it was in the Nation or not? A It was in the Nation.

ELIZABETH BERRY, being first duly sworn and being examined testified as follows:

BY MR. HUCKLEBERRY:

Q What is your name? A Elizabeth Berry.

Q How old are you? A 53.

Q What is your post-office address? A Long.

Q What relation were you to David Ross? A Own sister.

Q How long have you known Alice Ross? A 26 years, last October, about the 26th or '7th.

Q You know when Dave and Alice commenced living together? A Yes sir.

Q When they commenced living together were you ever present when he brought his family to any other family and visited, how did he introduce her at that time? A Well sir, he just introduced her as his wife.

Q You know Addie Ross, now Addie Blair? A Yes sir.

Q She was one of her children? A Yes sir, oldest child.

Q Who did Dave Ross commence living with first? A Alice.

Q Did he have any children by her before he lived with any one else? A Well I couldn't tell you exactly.

Q Well so far as you know; before he lived with Mary Ross, one they claim now as his wife, which did he commence living with first? A Alice Ross, he begun to live with her first.

Q How long did he live with her before he commenced living with Mary; how long did he live with Alice before he brought Mary home and lived with her also? A He brought her home but I don't know how long he has been living with her, but he lived with Alice from March until along in the fall I think; it was September or November before ever he acknowledged Mary, before any one knew for certain.

Q Did he have any children by Alice before he had any children by Mary? A Yes sir.

Q How many? A Three.

Q Two of them are not living, are they? A Well the two first ones, twins.

Q Did not Alice at the time David Ross was arrested, didn't he place her at your house to take care of? A Yes sir, she stayed

there from March until October, as well as I can remember, she then went to Mrs. Coleman's and stayed until after she was confined.
 Q Now, Mrs. Berry, all the time from the time he recognized Alice Ross up until his death what was the relation existing between him and Alice Ross; how were they regarded by the people generally in that community? As husband and wife or not? A Yes sir, yes sir,
 Q Did he ever obtain any divorce from Alice so far as you know?
 A No sir, none at all; they lived together as man and wife until his death.

BY MR. HASTINGS:

Q What did you say her mother's name was, did you know her mother?
 A No sir, but she always told me her mother's name was Nancy Swimmer; I knew her father; I was small when I saw him last.
 Q You can't testify much about them? A No sir.
 Q Has this woman ever lived in Arkansas? A Not that I know of; I didn't know her until my brother went to living with her.
 Q You have known her all the time from that time up until the present continuously? A I do.
 Q And she has lived in the Cherokee Nation, Sequoyah District?
 A Yes sir.
 Q And never in Arkansas? A No sir, not that I know of.
 Q She has lived near you? A Yes sir, right in the sight of me.

BY MR. HUCKLEBERRY: That is all the testimony we want to introduce.

BY COMMISSION TO MR. HUCKLEBERRY: You submit the case for final consideration by the Commission? A Yes sir, and I have a brief that I want to file.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M.D. Green, as stenographer to the Commission to the Five Civilized Tribes that the foregoing is a true and complete transcript of his stenographic notes in the above styled cause.

M.D. Green

UNITED STATES OF AMERICA, NORTHERN DISTRICT, INDIAN
TERRITORY, TO THE DAWES COMMISSION FOR FIVE CIVILIZED
TRIBES FOR SAID TERRITORY ALICE ROSS FOR HERSELF
AND FOUR CHILDREN.

The proof in this case shows that David Ross and Alice Ross took up to-gether in 1875 in the Cherokee Nation and that they lived to-gether up to the time of his death that they have four children living and the oldest one appears on the roll of 80 her name was Addie Ross now married, the other children Minnie M. Ross, now Minnie M. Faulkner, Dora F. Ross and Stella Ross, last three were too young to have been placed on the roll of 80 the name of Alice Ross and her children she desired to have enrolled and appear on the roll of 1894 and 1896 and drew their part of the pay in the strip payment and was fully recognized as Cherokee by blood that the said Alice Ross is a descendant of old Citizens and drew money as such, David Ross in his testimony before the Dawes Commission says: I was representing Alice Ross as her husband and I was living with her then but was not lawfully married he further testified he did give her name to be enrolled and they enrolled her daughter one Addie, as will appear reference being had in the roll of 1880.

Alice Ross further testifies that she and David Ross agreed to live to-gether as husband and wife in 1875 that she lived with him until his death and cohabitated with him and that he was the father of her children and that he was never ~~was~~ divorced, that constitutes a common law marriage.

It is decided in Davis vs. Prior in court of appeals for the 8th. circuit at November term A.D. 1901, by Judge Adams, who rendered the decision that marriage is a civil contract and may be made by any persons of different sexes competent to make contracts while commonly entered into with some ceremony.

If a man and woman in good faith agree to become husband and wife and their agreement is followed by a constant and notorious matrimonial cohabitation the relation of husband and wife ^{is} lawfully established.

of
In the absent direct proof of the agreement it is well settled facts showing that parties have publicly acknowledged each other as husband and wife have performed the marriage duties and obligations have generally reputed in the place there resident to be husband and wife of marriage on relation prior contract between them.

Federal reporter February number 1401 page 276 Davis vs. Prior and Arnold vs. Chessbough 7th, C.C. report page 508 58 Federal reporter 132, 91 American Digest 198

Such contracts unless ^{intended} entered by some expressed statute on which it is made constitutes a valid common law marriage and confers on the parties to it all the rights and subjects them to all the duties and obligations incident to marriage in Davis vs. Prior Federal reporter page 276 96, 75, 24, Led. 826, that makes out a full and complete common law marriage and whether Alice Ross was a Cherokee by blood or a Citizen of the United States makes her and her children cherokees and have all the rights and privileges any other cherokee persons and consequently she should be enrolled.

The cherokee statute page 346, section 892, laws of the cherokee Nation 1892 says, all marriages which are prohibited on account of consanguinity between parties on account of either of them having a former husband or wife then living shall be absolutely void in this Nation without any judgement or divorce or other legal proceedings provided that the issue from such unlawful marriage shall never-the-less be legitimate.

That conclusively establishes that Dave Ross children are legitimate and whether they are on the roll or not are entitled to be enrolled without regard whether Alice Ross be entitled to be enrolled the proof in this case further shows that said Alice Ross is a cherokee by blood her mother is a cherokee by blood.

J. H. McHenry, Jr.
Atty for Alice
Ross & Child

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice Ross, Dora F. Ross, Stella Ross and Minnie M. Faulkner, formerly Ross, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 7, 1900, Alice Ross appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of herself and her three children, Dora F. Ross, Stella Ross and Minnie M. Ross, now Faulkner, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 17, and March 3, 1902.

The evidence shows that Alice Ross is a Cherokee by blood, and the other applicants are her children by one David W. Ross, a Cherokee citizen by blood. All the applicants herein are identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896.

The evidence further shows that the principal applicant was born in the Cherokee Nation and with the exception of four or five years of early childhood she has lived all her life in the Cherokee Nation. It is considered that the other applicants herein have lived in said Nation all their lives.

The evidence further shows that Minnie M. Ross was married on December 26, 1900, to one Walter E. Faulkner; she will therefore be listed for enrollment under her present name.

It is, therefore, the opinion of this Commission that Alice Ross, Dora F. Ross, Stella Ross and Minnie M. Faulkner should be en-

rolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Dated at Muskogee, I. T.,

this APR 17 1903

R. E. Jackson.

E. M. Pointer.

JACKSON & POINTER,

vs.

Attorneys at Law,

Ballisaw, I. T., Feb-16 1902

W. W. Hastings -
Muskegon, Mich.

Sir:-

Alex Ross a Cherokee
Citizen by Blood requests me to write you
he doubts the right of Alice Ross & children
to citizenship - she was he says born in
Arkansas & never the lawful wife of Dave
Ross - whose wife was & is Alex's mother
Mary - I write this not as Atty in the case
but as favor to Alex - merely
yrs truly
R. E. Jackson

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-95

ADDRESS ONLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 21, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1903, granting the application of Alice Ross for the enrollment of herself and her three minor children, Dora F. and Stella Ross and Minnie M. Faulkner, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-142

After 10 days, return to

R E Jackson
SALLISAW, IND. T.



Wm. J. Hastings
or the Attorneys for the Cherokee Nation
Muskegon
J. V.

IN THE MATTER OF THE APPLICATION OF

Alice Ross & al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 7, 1900

B. Mem^e of application - 7, 1900

C.

D. Notice for final consideration

Receipt for testimony

E. Brief of applicant

F. Supplemental testimony and case closed
Feb. 17, 1902

G. Case closed

H. Supplemental order reopening case
and supplemental testimony 3/2/02

I. Cancelled and then closed.

to Bureau records

Cher D 96

Cher D 96

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 23 1900

 ACTING CHAIRMAN.

~~220~~
Rab

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 6, 1900.

In the matter of the application of John Sanders for enrollment as a citizen of the Cherokee Nation, said Sanders being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A John Sanders.
Q Your age? A 28.
Q Your postoffice? A Sallisaw.
Q Have you been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.
Q Is your name upon the Cherokee tribal rolls? A It is.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Nearly all my life.
Q Lived in the Cherokee Nation continuously all your life? A Yes.
Q What is the name of your father? A John B.
Q Is he living? A No sir.
Q What is the name of your mother? A Jane, I think- She died before I could recollect.
Q Are you married? A Yes.
Q What is your wife's name? A Tennie.
Q Is she a citizen? A No sir, white woman.
Q Have you any evidence of your marriage? A I never had a certificate and the minister who married me is dead, and the only surviving witness is dead.
Q When did you marry? A '94.
Applicant on '80 roll, page 722, number 1242.
On '94 roll, page 834, number 1865 as John D. Sanders.
Q Were you ever separated from your wife? A No sir, only when I was scouting.
Q Live with her now? A Yes.
Q Lived with her from the time you married until you went on the scout? A Yes.

The name of John Sanders appearing upon the authenticated roll of '80 and the pay-roll of '94 and having made satisfactory proof as to his residence, is ordered listed for enrollment by this Commission as a Cherokee by blood.

(Continued from Note Book #8, page 71).

OREGON MARSHALL, being sworn, testified:

- Q What is your name? A Oregon Marshall.
Q How old are you? A I am going on '49.
Q What is your postoffice address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q How long have you lived in the Cherokee Nation? A Last September was a year ago I came to the Cherokee Nation.
Q Where did you come from? A Down in Crawford County, Arkansas.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q Do you know John Sanders? A Yes.
Q How long have you known him? A Ever since about '93 I reckon.
Q Do you know Tennie Sanders? A Yes.
Q What relation does John and Tennie bear to each other? A They are husband and wife.
Q Are they married? A I never "seed" them married, but I know they have lived together as man and wife ever since October 2, '94.
Q Where were they living on October 2, '94? A They was right about Vian somewheres, but I was living in Crawford county, Arkansas.
Q Is Tennie your daughter? A Yes.
Q Did he go to Arkansas and marry Tennie? A No sir, he sent money to her and she came to him.

Q Did she come back to your house then? A No sir, not for awhile.
Q Did you see them occasionally— were you over at their house?
A Never was at their house until after they moved out here— they stayed at ~~man~~ our house a good portion of the time.
Q They were know as man and wife and live together as man and wife?
A Yes.

By Mr. Hastings, Cherokee Attorney:

Q She told you directly after she left by letter that she was married? A Yes, she wrote back to me to rest easy that she and John was married under Territory law.

TEMMIE SANDERS, being sworn, testified:

Q What is your name? A Temmie Sanders.
Q How old are you? A 24.
Q Your postoffice? A Stilwell.
Q How long have you lived in the Cherokee Nation? A Off and on for the last 6 years.
Q Are you married? A Yes.
Q To whom? A John Sanders.
Q Who married you? A A parson by the name of Triplett.
Q When? A October 2, '94.
Q Where was it? A Not far from Vian.
Q At whose house? A Triplett's own house.
Q You came from Arkansas to marry? A Yes.
Q Kind of a run away match? A Yes.
Q Why didn't you marry at your mother's house? A I guess I wanted to run away.
Q Did the old lady object to it? A No sir.
Q Have you been living with your husband ever since? A Yes.
Q Do you know whether he ever had a certificate of marriage or not?
A I don't know.
Q Do you know where that preacher is now? A He is dead.

The name of Temmie, his wife, not being found upon any of the rolls of the Cherokee nation, and no certificate of marriage being presented, testimony showing that it is impossible to get one, judgment as to the enrollment of his wife will be suspended, and her name will be placed upon with a doubtful card.

Brown McDonald, being duly sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 20th day of August, 1900, at Fort Gibson, I.T.

C. H. Rust
Commissioner.

01096

1892-93

REPORT OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
FOR THE YEAR 1892-93

REPORT OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
FOR THE YEAR 1892-93

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

[Signature]

CONFIDENTIAL

Supl.-C.D.#96.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
THEWIE SANDERS as a citizen of the Cherokee Nation,

Applicant has been notified by registered letter on January 31, 1902, that this case would be taken up by the Commission on the 17th inst. for final consideration, and that she would on said date be given an opportunity to introduce any further testimony affecting her case. Receipt has been acknowledged of the registered letter, and applicant has been called three times and fails to respond, either in person or by attorney, and the case is closed.

C. R. McKinstry.

J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR
SECTION TO THE FIVE CIVILIZED TRIBES.

1902

Зачекайте

I hereby certify upon my official oath as stenographer, to the fact that the complete transcript of my stenographic notes thereof, the testimony and proceedings in this case, and that the foregoing Commission to the Five Civilized Tribes that I correctly recorded.

[illegible]

The attorney for the defendant refused and will be excluded from the evidence now on record.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH E. NICHOLSON as a citizen of the Cherokee Nation, introduced on part of the Applicant:

Case continued from February 5, 1902. Applicant represented by Mr. E. B. Lawson, Nowata, Indian Territory. Mr. W.W. Hatings, Cherokee Representative, present.

SARAH E. NICHOLSON, the applicant, being duly sworn, testified as follows in her own behalf:
BY MR. LAWSON:

- Q State your name? A Sarah E. Nicholson.
- Q Where do you reside? A Ramona, I. T.
- Q Do you know Richard Henry Nicholson? A Yes, sir.
- Q What relation does he bear to you? A Husband.
- Q I believe you stated in your former application that you were married to him on April 27, 1894? A Yes, sir.
- Q Have you lived in the Cherokee Nation ever since 1894?
- A Yes, sir.
- Q Are you now living with your husband? A No, sir.
- Q When did you separate? A The fall of '96.
- Q Mrs. Nicholson, state briefly the cause of the separation?
- A Well, I can't hardly state it; for I don't know what was the cause really. He just left me and that is all I know; he sent word for his mother to bring us down to my brother's wife's birthday dinner and we went, her and I.
- Q You mean his mother? A Yes, sir.
- Q And you went? A Yes, and on the road going out there, we met him and my brother and hired hand my brother had hauling wheat, and my husband he said for me to stay out there and he would come after me and I stayed I guess it must have been three weeks and I was sick most of that time and during that time I had taken the chills and sent for him, I wrote him a letter that I wanted to go home and he come on horseback and I wasn't able to ride and I told him to come after me on Friday and that I would go home with him, and he never come for quite a while and when he came he came with a deed for the place we had been living on and wanted me to sign it and I never saw him any more until along in the fall later.
- Q How much later? A It must have been in October; It might have been later than October; Let's see, must have been along in November. So then I went to my brother, we lived very close to where my brother was and when I came there he had our things taken out of our house.
- Q Who had? A My brother. And I asked him why he had those things and he said my husband give him the privilege to get them, and those things he had didn't really belong to us, they belonged to this Mr. Harnage because we lived on his place and he had let my brother bring them to his place. It was Mr. Harnage's place and I thought he had paid for these things when we married and he let them go back, and I never heard anything until that time and when I went there my things were there. So my neighbors came--before that, he had told them around, these witnesses I have here, that he had told them several weeks before that he aimed to leave me. During the time he made a support for me I stayed at home and kept care of the things to the best of my knowledge, and I made my support most of the time we lived together, bought my butter and sugar.

- Q You heard the testimony of Mrs. Bidifer Nicholson yesterday in this case did you not? A Yes, sir.
- Q I will ask you if you told her in going over with her to that birthday dinner that you intended to leave your husband?
- A No, sir; wasn't a word ~~spoken~~ spoken between us of our separation.
- Q Did you know anything about your husband leaving at that time?
- A No, sir.
- Q Did you have any intention of leaving your husband at that time?
- A No, sir, I never thought about it.
- Q You say that the first time after your husband came to your brother-in-law's was out where you were staying? A Yes, sir.
- Q That he brought a deed to the farm you had formerly lived on?
- A Yes.
- Q And you signed that deed? A Yes, sir.
- Q Did he ever provide a home for you after that? A No, sir, never; never has give me a nickle since.
- Q Did he ever state to you why he left you or anything of the kind?
- A No, sir, he never did, I never have got to talk to him; he always seemed distant and never cared to talk about it.
- Q And you stated that while you and your mother-in-law were going over there to your brother-in-law's to take dinner that you met your husband? A Yes, sir, met him and my brother's hired hand and he told me to stay over there that he had some business to tend to and he would be back, and he never came back for quite a while afterwards and I wrote him that I was sick and wanted to go home.
- Q Well, do you know whether he had a home up to the time, - since your separation? A No, sir, he had a piece of land but it was not fenced and wasn't any improvements on it. He had it picked out for his allotment and then when we married he had a house put on it, that is the place where we were living, he sold that one, and we went on Mr. Harnage's place the first year we lived on Mr. Harnage's place, and the next year, the second year, we lived with his mother at his mother's house and the next time for a year and a half we lived on this other place that we sold.
- Q You heard your husband's statement in this case, didn't you?
- A Yes, sir.
- Q He stated that you abandoned him and left him, is that a fact?
- A No, sir.

MR. HASTINGS:

- Q Mrs. Nicholson, Mr. Keith represented you yesterday and he had to go home? A Yes, sir.
- Q But you had an attorney when we examined those two witnesses, your husband and his mother? A Yes, sir.
- Q You were present at that time? A Yes, sir.
- Q You didn't choose at that time to take the stand and in her presence deny the statement?

Mr. Lawson: To which we object for the reason that this case was continued from yesterday by agreement--maybe I am mistaken in that, but any way it was continued, and we weren't forced to put in any testimony.

Mr. Hastings: The case was continued on yesterday but it was for the specific purpose of introducing some other witnesses which this applicant claimed would be here to testify in another case to-day, but the applicant herself was at liberty to go upon the stand and confront the witnesses that the Cherokee Nation had at that time, and did not choose to do it.

Commission: The objection will be noted: Answer the question, Mrs. Nicholson.

- A No, sir, for the reason that I didn't know that I could; I don't know very much about such business. If I have known that I could I would have done it.

Q Mrs. Nicholson, you took some things over there with your mother-in-law when you went over there at that birthday dinner?

A No, sir, I never.

Q You heard her testify yesterday you took a lot of things along?

A No, sir, I didn't take anything only what I had on my back.

Q Well, now, your mother-in-law isn't here to-day?

A No, sir, I am not making the statement because they are not here.

Q You heard her state yesterday that you took some of your things over, did you? A I don't remember that statement.

Q Did she ask you to come back with you when you come back?

A No, sir, wasn't a word spoken about coming back at all. She heard what he had told me and she come back.

Q You didn't have your attorney cross-examine her about what your husband should have told you in her presence yesterday?

A No, sir.

Q You didn't ask her to deny that at that time? A No, sir.

Q Did you have your attorney to ask the question whether or not you had written him a letter that you wanted to come hom; was he asked that question about that letter? A He was asked whether I had written ~~the letter~~ or whther he had written; I don't think that question was asked.

Q You didn't think of naming that to your attorney yesterday?

A No, sir; you mean did I name that to my attorney?

Q Yes? A No, sir, I don't think I did; I never got to talk to him very much before the trial come up.

Q Don't you know the cause of your separation at all?

A No, sir; nothing only that his--know that his mother had talked to him, and told things against me; that is all I could ever see. That caused him to be distant towards me and not treat me just exactly as he ought to, as a man would his wife.

Q Had you ever separated from him before? A No, sir, not of my knowledge.

Q You heard him state that yesterday? A Yes, sir.

Q He said it was because of your mother? A During this time he had; I was sick with malarial fever, Dr. Bass waited on me; my mother come over, she come over and stayed with me and done my work; I was sick and she come over and done my work; when I got so I could work and be around of course I wanted to go out and me and my mother went out and gathered pecans, it was pecan time, and we went into the woods and taken buckets and gathered pecans and when we come back we went over to my mother-in-law's for milk and she told me about it and laughed at it and she told me he had gone to Caney and I

asked her what he was gone for and when he come back the next morning he seemed to be surprised to find that I was at home, and he asked me where I had been and I told him I hadn't been nowhere only in the woods and I was gone only about an hour and a half.

Q Had there been any unpleasantness before you went in the woods?

A No, sir, we hadn't spoken any harsh words before that.

Q About how long did you live with him? A I lived with him very near two years and six months.

Q Never married before? A No, sir.

Q Neither apply for a divorce? A No, sir; that is all I can say that his mother had a prejudice against me, and I think it was through her ~~me~~ really more than anything else. As long as we lived on Mr. Harnage's place we got along very well, I didn't see a bit of trouble.

Q You deny emphatically taking any of your things along when you went with his mother over to that birthday dinner? A Yes, sir.

Q I believe you stated you met him out on the road hauling wheat?

A Yes, sir.

Q That was after you started from home? A Yes, sir.

Q And he then in the presence of your mother-in-law that was with you? A And my own brother.

Q Told you to stay over there? A Yes, sir, that he had business to attend to.

Q Did he tell you anything about his business? A No, sir, he never did tell me a thing about his business, he was a curious natured person. He never spoke of anything.

Q You don't think your attorney developed this yesterday when Mrs. Nicholson was on the stand? A No, sir.

Q You said after you were over there a while you wrote him a letter? A Yes, sir.

Q Well, when he came there to get you to sign that deed did he tell you that he was going to live with you? A No, sir, he never said anything at that time; he just said this, if you will sign this deed we will sell that place and come over here to live.

Q How long did he stay there? A He come that morning and went back that evening; it was along about 11 o'clock when I was at my sister's and signed the deed.

WILLIAM M. POLSON, being duly sworn, testified as follows on part of applicant:

MR. LAWSON:

Q State your name? A William Polson.

Q Where do you live? A Live at Oelagah, Indian Territory.

Q Are you acquainted with Mrs. Nicholson, I believe her name is Sarah E. Nicholson? A Yes, sir.

Q Were you acquainted with her husband, Richard Henry Nicholson? A Yes, sir.

Q How long have you known these parties, Mr. Polson? A Well, sir, I guess I have known Henry ever since about 1894, I guess, and I have knowed her ever since '95.

Q You knew them when they were living together as man and wife? A Yes, sir.

Q I will ask you if at the town of Claremore ~~xxxx~~ soon after these parties separated you had a conversation with Richard Henry Nicholson with reference to the separation? A Yes, sir.

Q Now, go ahead and state what that conversation was, Mr. Polson.

Mr. Hastings: The representatives of the Cherokee Nation object to this testimony for the reason that the foundation of the same was not laid by the witness, and that this witness does not testify of his own personal knowledge but of what Richard Henry Nicholson should have told him; when Richard Henry Nicholson was on the stand he ought to have been made to affirm or deny the same.

Q Go ahead and state that conversation, Mr. Polson?

A Well, sir, we were down there; I was down there at a stray sale, he came down to buy a pony in.

Q Who came down? A Henry Nicholson, and I went down there to bid a cow in, and I didn't know at the time that they were separated until after he told me. He was telling me about where he had been and I just remember your wife will leave you if you don't stay with her; never thought anything about them being separated, and he just spoke in these words: I won't give her any chance, I have already left her. That was the first I ever knew of them separating.

Q Go ahead and tell what further conversation you had, if any?

A And of course after he told me thought I had been putting in where I had no business because not knowing anything about it, and after he told me I thought he might think I was inquiring inot his business, and after I went back home in a day or two I found it was a fact that they had separated. I never inequired into it at all.

Q You state I believe that he left this woman and would not give her a chance to leave him at all? A He just said he would not give her a chance to leave him that he had already left her; me and Jake Lips was together before he died and my father was along.

Q You state that that conversation occurred in the town of Claremore soon after the separation? A Well, I suppose so, about that time, before that time he told me he had been to Kansas City, Coffeyville and around and that is how came me to mention it. It must have been along in September or October when we was there, we were there at the stray sale, I was over there to take in a cow and he was there to take in a pony.

MR. HASTINGS:

Q The Cherokee Court sitting there at that time, September? A I wouldn't be positive it was at that time.

Q Well, it met at that time, on the 4th Monday of September?

A I don't know.

Q He didn't go into detail and tell you the cause? A No sir.

Q You don't know of your own knowledge anything about it?

A No, sir.

RICHARD M. LOCKER, being duly sworn, testified as follows on part of applicant:

MR. LAWSON:

Q State your name. A Richard M. Locker.

Q Where do you live, Mr. Locker? A Live at Oolagah.

Q Indian Territory? A Yes, sir.

Q You know Sarah E. Nicholson and Richard Henry Nicholson?

A Yes, sir.

Q What relation is Richard Henry Nicholson to you? A First cousin

Q You knew them at that time, they were living together, the applicant and her husband? A Yes, sir.

Q Where were they living when they left together? A Why I knew them when they lived two or three different places.

Q Well, what neighborhood I mean? A They lived in the neighborhood of Talala.

Q East or West of Talala? A East of Talala.

Q You knew about the time they separated? A Yes, sir, I know near about the time.

Q I will ask you if in the town of Talala, Indian Territory, soon after this separation if you had any conversation with this Richard Henry Nicholson relative to the separation? A Yes, me and him was talking about it some.

Q State what that conversation was? A Well, I had heard that he had left his wife and I was asking him about it and I don't recollect about the conversation, but he just made the, he says to me: I have played quits with her or something to that amount.

Q Well, what else was said about it if anything?

A I don't know as:- we talked on and I asked him several questions about it and we talked on, there was not a great deal about it; still there was a right smart said but I don't just remember what it was.

Q Where was she at that time? A She was at her brother's to the best of my recollection, George.

Q And when was this conversation as near as you can? A I can't just remember when it was; it was a week or two after I heard that they had separated, it was long in September, October or '86.

Q '86? A Or '86.

MR. HASTINGS:

Q You heard that they separated? A Yes, sir.

Q And he said that they played quits? A Yes, sir, just the way he spoke it.

Commission: The attorney for the applicant in behalf of the applicant, and the attorney for the Cherokee Nation in behalf of the Cherokee Nation submit the case and the same is

ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 30 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

---00000000---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Jo. P. Rosen
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Sanders for the enrollment of his wife Fennie Sanders, as a citizen by intermarriage of the Cherokee Nation.

DECISION.
6-0-0-0

The record in this case shows that on August 6, 1900, John Sanders appeared before the Commission at Sallisaw, Indian Territory, and then and there made personal application for the enrollment of his wife Fennie Sanders, as a citizen by intermarriage of the Cherokee Nation. John Sanders is listed for enrollment as a citizen by blood of the Cherokee Nation on Cherokee Field Card No. 990, therefore his application is not passed upon at this time.

It appears from the evidence in support of this application that John Sanders, a citizen by blood of the Cherokee Nation is identified on the Cherokee authenticated tribal roll of 1880. He was married to his wife, Fennie Sanders on the 2nd day of October, 1894. John Sanders being a native Cherokee did not procure a license prior to his marriage. The Cherokee law applicable in this case is found in the Compiled Laws of 1892, page 345, section 686, and is as follows:

"Marriages may be solemnized by any of the judges of the Courts of this Nation, or by clerks of the several districts or by any ordained minister of the Gospel in regular communion with any religious society. And any marriage contracted in writing in the presence of two or more attending witnesses, who shall sign the marriage contract as such, shall be lawful."

The minister, one Triplett, who performed the ceremony is dead, as are also the witnesses who were present at that time.

John Sanders has lived in the Cherokee Nation all his life,

Cherokee 2 94 - 2 -

and Tammie Sanders, his wife, has resided therein since her marriage as hereinbefore shown.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 20, 1902, (36 Stats., 495).


It is the opinion of this Commission that Tammie Sanders is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for her enrollment as such should be granted and it is therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. B. Anderson,
Commissioner.

Muskogee, Indian Territory,

this 9th day of May 1902.


C. R. Buckinridge,
Commissioner.

RR

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

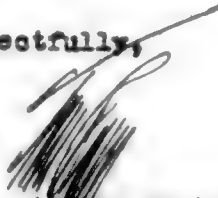
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of John Sanders for the enrollment of his wife, Tennie Sanders, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-26.

CHEROKEE

Tennie Sanders

Transferred to Cherokee 9503

Cher D 97

Cher D 97

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 18 1900

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Ballinger, I.T., August 7, 1909.

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In the matter of the application of Lewis Tynor for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Brookbridge, he testified as follows:

- Q What is your full name? A Lewis Tynor.
- Q What is your age? A 34.
- Q What is your post office? A Vian.
- Q What is your district? A Illinois district.
- Q For whom do you make application for enrollment? A Myself and family.
- Q Wife and children? A Yes, sir, wife and children.
- Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
- Q What proportion of Cherokee blood do you claim? A About 1/8.
- Q Do you apply for your wife as a Cherokee by blood? A No, sir, I didn't, my father in law did.
- Q Are you applying now for your wife? A Yes, sir.
- Q In your wife a Cherokee by blood? A Yes, sir.
- Q What proportion of Cherokee blood do you claim for her? A She is about 1/8.
- Q She has not already been applied for? A Not here, we were admitted under Springer's decision.
- Q I am talking about now; you are making application now for enrollment, you are representing your wife? A Yes, sir.
- Q Is anybody else representing your wife? A No, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A No, sir, none whatever.
- Q Have you ever been admitted by the Cherokee authorities as a citizen of the Cherokee Nation? A No, sir.
- Q You are applying now as a Cherokee by blood? A Yes, sir.
- Q What is your wife's name? A Martha Elizabeth.
- Q Have you ever applied to the Bureau Commission for admission? A Yes, sir.
- Q Were you accepted or refused? A Refused before then.
- Q Did you appeal to the United States Court? A Yes, sir.
- Q What did the Court do? A They admitted me.
- Q Have you got a copy of the decree? A No, sir, the boys had a copy here yesterday, but they taken it out with them and I couldn't get it back.
- Q What is your middle name? A I haven't got my middle name, it is Lewis Tynor.
- Q What was your father's name? A Lewis Tynor, brother to Jesse L. Tynor. My father's name is not on that book I don't suppose; my grandfather's name was Lewis Tynor too.
- Q Mr. Tynor, you say you were admitted by Judge Springer of the United States Court? A Yes, sir.
- Q I find in referring to the records here that as shown is what is indicated as Daves No. 3500, a decision of Judge Springer admitted among others, one Lewis C. Tynor; you think that is intended for you? A That is intended for me, I am satisfied, there is no other Lewis in the bunch.
- Q How long have you lived continuously in the Cherokee Nation? A 20 years or a little over.
- Q Now your wife, is she enrolled in the decree of the United States Court? A She ought to have been.
- Q Is that the way you claim citizenship for her? A Yes, sir, all the names went up when mine did.
- Q Her name is Martha E.? A Yes, sir.
- Q She is not on any of the rolls of the Cherokee Nation? A No, sir.

Louis Tynor - 2.

Q Your wife's name is not found in the data we have of the decrees; you have no copy of any decree that you can exhibit? A No, sir, that just to the head of the family is all they had to us.

Q Now your children, do you claim any of them are on the rolls of the Cherokee Nation? A No, sir.

Q Do you claim any of them are in the decree of the United States Court? A They should be, we sent the names in with ours.

Q If they are not in the decree which you mention, can you suggest any other decrees? A No, sir.

Q What are the names of your children, Mr. Tynor? A Robert Lee is the oldest one.

Q What is his age? A 18 years old now.

Q What is the next child? A The next two is twins, Grisel, Sarah Delilah and Mary Louisa.

Q How old are the twins? A They are 16 years old.

Q What is your next child? A The next one is a girl, 6 years old, Nettie, Malina.

Q Your next child? A The next one is a boy, William Ramsey, 4 years old.

Q Your next child? A John Lewis, 2 years old.

Q Is that the last child? A Yes, sir.

Mr. Tynor, according to your testimony neither you nor any of your family are upon any of the rolls of the Cherokee Nation, nor do you claim that any of you have ever been admitted to citizenship in any other way than by the action of the United States Court. Now upon consulting the records of the United States Court it is found that one Louis G. Tynor was admitted by Judge Springer, as recorded in what is known as Docket No. 3888, but it will need to be established by further investigation of the records and inquiry other than can be made at this time whether you are the Louis G. Tynor mentioned, or at present your application will be placed upon a doubtful case.

Now as regards your wife, Martha H., and the six children whose names you have enumerated, their names are not found on any record of the Court, or at least they are not enumerated in any favorably decision of the Court. That fact, in view of the other facts which have been cited, given this Commission no authority to admit them to enrollment at this time, nor even under the law to consider the application. A memorandum will be made of the action of the Commission and its action will be reported to the Secretary of the Interior for his final approval.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 6th day of August, 1900.

Clifton A. Jones
Commissioner

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 12 1900



ACTING SUGARMAN.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muldrow, D. T., August 14th, 1900.

In the matter of the application of Lewis Tyner et al for enrollment as Cherokee citizens; having been sworn and examined by Commissioner Reckinridge, testified as follows: (Supplementary testimony)

- Q What is your full name? A Lewis Tyner.
Q What is your age? A 34.
Q What is your postoffice? A Vian.
Q What is your District? A Illinois.
Q For whom do you make application now to have enrolled? A Myself, wife and children.
Q How many children? A Seven children.
Q All under age and unmarried? A Yes sir.
Q Are they all the children of your present marriage? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A No sir.
Q How were you admitted to Cherokee citizenship? A By U. S. Springer.
Q By United States Court? A Yes sir.
Q Have you a copy of the decision of the Court? A No sir.
Q Did you apply to the Dawes Commission for admission? A Yes sir.
Q When was that? A That was in '96, I reckon.
Q How did the Commission decide? A They decided against me I believe.
Q Then you applied to the United States Court? A Yes sir.
Q And the Court decided in your favor? A Yes sir.
Q That decision included your wife and children also? A No sir, I don't think it does, just myself.

Mr. Tyner, you present here a statement without date, signed H. B. Linder, Notary Public, but not accompanied by the seal of his office, to the effect that "Lewis Tyner is the person that Lewis C. Tyner represents. He swore to his claim before me in 1896." Then you present a statement of opinion signed by John C. Carter and also an opinion signed by Robert Williams to the effect that you and Lewis C. Tyner mentioned in Judge William Springer's decision in 1897 are one of the same person. Their signatures are attested by H. V. Linder, Notary Public. These will be filed with your case.

Mr. Hutchings, representative of the Cherokee Nation:

- Q You have no "C" in your name at all Mr. Tyner? A No sir.
Q You applied in a separate case for yourself to the Dawes Commission in 1896, didn't you? A Yes sir.
Q And you were denied? A I suppose so.

We want to offer in evidence the record of the Commission, Case No. 1413, page 222, Book "A", showing that no appeal was ever taken from the decision of the Commission denying his right to citizenship.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of September, 1900.

Edward P. Rothberger
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, L. T., December 4, 1900.

In the matter of the application of Lewis Tyner for enrollment.
Lewis Tyner being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Lewis Tyner.
Q How old are you? A 35.
Q What is your postoffice? A Vian.
Q What district do you live in? A Illinois district.
Q Who is it you want to enroll; yourself and family? A Myself and family, yes sir.
Q You have a wife? A Yes sir.
Q How many children? A Seven children.
I have enrolled already.
Q You have already made an application for enrollment? A Yes sir.
Q You want to give some additional testimony, do you? A Yes sir.
Q Give me the name of your father. A Lewis Tyner.
Q He's dead is he? A Yes sir.
Q Give me the name of your mother? A Sarah.
Q Is she dead? A Yes sir, she's dead.
Q In your previous application did you apply for your wife and children? A Yes sir.
Q What is your wife's name? A Martha E.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Do you want to offer additional testimony now relating to yourself, or also your wife and children? A Also my wife and children.
Q How many Lewis Tyner's are living now? A I couldn't tell you.
Q You know of any besides yourself? A I know of one.
Q Where does he live? A He lives in Flint district I reckon it is.
Q Any kin to you? A Yes sir; but he never made any application.
Q Has he any name besides Lewis? A I don't know.
Q Your name is just Lewis? A My name is Lewis.
Commissioner: I find here on page 222, case 1413, Docket A of the Dawes Commission wherein Lewis Tyner made an application separately for himself; that was in 1896, and the application was denied and no appeal was taken from that? A My case was carried through the Jesse L. Tyner case.
Q What kin was Jesse L. Tyner to you? A My uncle.
Q Now the case of John H. Tyner and John W. Tyner and perhaps others of the Tyner family are thought as having been forwarded to complete the Jesse L. Tyner case, but no such action was taken in the case just cited of Lewis Tyner. You stated Mr. Tyner in your testimony at Muldrow, on the 14th of August, of the present year, that you had applied in a separate case for yourself to the said Commission in 1896, and here is a separate and distinct case of just Lewis Tyner? A My case went with the Jesse L. Tyner case. I made a separate application with the balance.
Q You claim that if this makes the first application, to the said Commission, that those papers went forward in the Jesse L. Tyner case, and that this record is an error and not having the statement of the fact, you first made a separate independent application as you stated at Muldrow; that's true is it? A Yes, we all made separate applications, but they went in the same case of Jesse L. Tyner's case. They were carried in that case.
Q You claim yours went forward like the balance? A Yes, like John W. Tyner.
Q What evidence have you now that you want to offer to prove that this Lewis C. Tyner mentioned in the Jesse L. Tyner case, is yourself? A I have a couple of witnesses here.

3- L.F.

Witness, John W. Tyner, being sworn, testified as follows:

- Q Give me your full name. A John W. Tyner.
- Q What is your age? A 53.
- Q What is your postoffice? A Campbell, I. T.
- Q How long have you lived in the Cherokee Nation? A Been here 25 years.
- Q Do you know Mr. Lewis Tyner here, this gentleman? A Yes sir.
- Q What kin is he to you? A A first cousin of mine.
- Q Do you know anything about the proceedings that were had in his application before the Dawes Commission in 1896? A I know a little about it.
- Q As seeking recognition for citizenship? A I know he put in application for citizenship.
- Q What kin is he to Jesse L. Tyner? A Jesse L. Tyner was his uncle.
- Q His father's name was Lewis? A Yes sir.
- Q How long has his father been dead? A His father's been dead-- I don't remember how long.
- Q Good many years? A 16 or 18 years I expect.
- Q Is Jesse L. Tyner still living? A No sir.
- Q How long has he been dead? A About two years.
- Q Did you ever know of a Lewis C. Tyner? A No sir, I didn't.
- Q There is a Lewis C. Tyner mentioned in that case in the proceedings before the United States Court; you have no knowledge as to who that person can be? A No sir, I have no knowledge of that "C".
- Q You know of any other Lewis Tyner in those proceedings except this one? A There is a Lewis C. Tyner here, but he never put in an application. He is my brother.
- Q You have a brother Lewis C. Tyner? A Yes sir, Lewis Columbus.
- Q Have you applied for enrollment? A Yes sir.
- Q Were you enrolled straight? A Yes sir, at Sallisaw.
- Q Were you enrolled straight, or doubtful; without any trouble or objection? A There was no objection, I was enrolled straight.
- Q Why isn't your brother, Lewis C. Tyner, admitted? A He never made an application.
- Q There is a conflict about this evidence, how can you sit here and tell me that you have been enrolled without objection, and Col. Needles comes here and says you were objected by the said Commission, and in your present application? A Well, it has been a misunderstanding to me. At Sallisaw this Commission told me I was admitted, but my children were not.
- Q You say your brother, Lewis C. Tyner, never made application before the Dawes Commission? A No sir.
- Q How comes it that he doesn't claim to be a citizen? A He claims it.
- Q But he failed to make an application? A He failed to make an application. I went to him when I made my application. He lives near Goingsnake. He told me he hadn't the money, and he fooled with it long enough until he got tired.
- Q And it is your opinion that this Lewis Tyner is the ~~same~~ man who made the application, and that by an error that "C" was put in his name? A That's my understanding about it. I am satisfied that he is the man, for the first papers he got, I am the man that got them and took them to him.

Witness, W. H. Smith, being sworn, testified as follows:

- Q Give me your full name. A W. H. Smith.
- Q How old are you? A 44 years old.
- Q What is your postoffice? A Illinois district, Campbell post-office.
- Q In what district do you live? A Illinois.
- Q You want to give some testimony here in regard to the application of Mr. Lewis Tyner, don't you? A Yes sir.

3- L.T.

Q How long have you lived in the Cherokee Nation? A I have lived here about 17 years.

Q You know Mr. Tyner, do you? A Yes sir.

Q Is that the man standing there? A Yes sir.

Q You know anybody by the name of Lewis C. Tyner? A There is another one of them that lives out here by the name of Lewis C. Tyner.

Q Did he ever make application to the Dawes Commission for admission that you know of? A If he ever did, I don't know it. I don't think he did.

Q You know anything about this Lewis Tyner's name being inserted in the decision of the United States Court admitting him to citizenship as Lewis C. Tyner? A That is not his initials; of course, I don't know.

Q You don't know whether that Lewis C. Tyner mentioned in the judgment of the Court is this Lewis Tyner or not? A I would take him to be the same. I know he made an application.

Q You don't know whether the other one did? A I don't know that he did; I don't think he did.

Q What kin is that other Lewis C. Tyner to Jesse L. Tyner? A Jesse L. Tyner was his uncle.

Q An uncle of this one too? A Jesse, is this man's uncle.

Q I want to know what kin Jesse L. Tyner was to that Lewis C. Tyner you was talking about now? A Just the same uncle to both.

Q You think this is one and the same person intended in the decree?

A I think so it is; that is my honest opinion.

By J. L. Baugh, representative of the Cherokee Nation to the latter witness-

Q Are you the William Smith that was admitted the same time with him? A Yes sir.

Q Did the same lawyer have your case that had his? A Yes sir, same lawyer.

Commissioner Breckinridge-

This testimony will be filed as supplemental in the case of Lewis Tyner, D-97, and it is ordered that a memorandum be made on the Card D-97 of Lewis Tyner, for the reconsideration of the case of Robert L. Tyner et al, memorandum 28, in connection with all the testimony and the original Commission and Court records.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the ~~testimony~~ supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 4th day of December, 1900.

E. G. Rothenberger
Commissioner.

now of record.

the Commission for final decision based upon the evidence to the Commission and same is ordered closed and referred to Representative of the Cherokee Nation present submit the case

BY COMMISSION: The attorney for the applicant and the respondent, Mr. Gibson, I don't believe I do.

BY COMMISSIONER OF MR. GIBSON: You desire to file a plea in Lewis Tavel.

be furnished to said number. D. B. that of the applicant, said wife and children, be cancelled, and that their names D. B. It is directed that said D. B. be put that of applicant and said number D. B. and his wife and children on said number that the applicant, Lewis Tavel, has been listed for enrollment in COMMISSION: If applicant the records of the Commission to show that and blood of an aboriginal.

BY MR. GIBSON: The defendant objects to the blood ordered application.

The record fails to show that an aboriginal was taken in said denied, August, Indian Territory, October 31, 1898.

Filed September 8, 1898; answer filed; application "Lewis Tavel" as Cherokee Nation.

Number 1412:

Commissioner Cohen of citizenship cases heard in 1898, before SS. BY COMMISSION: The following facts appear upon the Daves Lewis Tavel, his wife and children, be copied and made part of the record in this case.

Daves Commission Number for 1898, 1412, being the case of BY MR. GIBSON: The Cherokee Nation asks that the records in application for enrollment of the Cherokee Nation, 1898, be placed in the records of the Commission for Commission to the fact that the records of the Commission in I shall desire to call attention of the

BY MR. GIBSON:

to this Commission or not, I don't know, no sir. I don't know if you know of your own knowledge whether he has applied Lewis Tavel, I don't recollect about it.

I don't know if you see his photograph? A: It has been probably taken when did you see him last? A: I saw him last summer.

I have not seen with him? A: Once in a while, once or twice.

I know you know it? A: I don't know it.

to this Commission for enrollment? A: I don't think he has.

I know you know then that this Lewis C. Tavel has not applied the Indian enrollment Cherokee citizens? A: No sir.

I have not seen around with this Commission all the time since it I don't know what he said about it? A: Yes sir.

from or not? A: I don't, I couldn't say how often about it; he told I then you don't know of your own knowledge whether he made application September, 1898? A: No, of course I don't.

I do not know all the things that he did between June 10, 1898 and after.

I know you don't give flow him in 1898? A: It is somewhat near to

"R"

Cherokee D 97

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lewis Tyner for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

Applicant in person, and by N.A. Gibson, Muskogee, I. T., his attorney;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicants and their attorney in the above case were notified by registered letter February 14, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the first day of March, 1902. The applicant this day appears by his attorney, N.A. Gibson, Muskogee, I. T., and applicant appears in person.

LEWIS TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q State your name? A Lewis Tyner.

Q How old are you? A 36.

Q Where do you now reside? A Near Illinois Station.

Q Where did you live in 1896? A Lived near Illinois.

Q At that time state whether or not you made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee citizen, in 1896? A Yes sir, I did.

Q Examine this application which I show you and state whether or not the Lewis Tyner at the bottom is in your handwriting? A I wrote this. (Pointing to writing.)

Q State whether or not you made this petition, second sheet in the same application? A Yes sir.

Q Who were your attorneys in the matter of your application to the Commission? A Jeff Watts.

Q The records show that your application was denied by the Commission; state whether or not you employed anyone to prosecute an appeal from the decision of the Commission to the United States Court? A I did.

Q Who? A Watts.

Q State whether or not you know whether that appeal was taken? A Yes, it was.

BY MR. HASTINGS: Representatives of the Cherokee Nation object to this because the records are the best testimony.

BY COMMISSION: Objection will be noted.

Q The records of the United States Court show among the parties appealing the name of Lewis C. Tyner, state whether you know any person by that name? A Yes sir, I know Lewis C. Tyner.

Q Do you know where he lived in 1896? A He lives in Tahlequah District, I reckon in Tahlequah District, he lives on Caney, near Wauhatchie.

Q What right, if any, relation, if any, was he to you? A He was a first cousin.

Q State whether or not you know whether he made application to the Commission in 1896 for enrollment as a citizen of the Cherokee Nation? A No, he told my father-in-law he didn't.

BY MR. HASTINGS: I object to that, because it is purely hearsay, and move that same be stricken from the record.

BY COMMISSION: Objection will be noted, and the answer considered for what it is worth.

Q What relation are you to Jesse L. Tyner, in whose name this case was filed before the United States Court? A He is my own uncle.

BY MR. HASTINGS: I object to that question because it is irrelevant to the issue in this case. The question before the Commission is whether or not this person was admitted.

BY COMMISSION: Note the objection, and answer the question.

Q State whether or not you were admitted by the United States Court for the Indian Territory, Northern District, at Muskogee, in the year 1897, as a citizen of the Cherokee Nation? A -

BY MR. HASTINGS: I object to that question, because the record is the best testimony.

BY COMMISSION: Note the objection; answer the question.

A I was, yes sir.

Q What is the name of your wife? A Martha E. Tyner.

Q Whose daughter is she? A John W. Tyner's.

Q Do you mean the John W. Tyner whose name in this case and who is enrolled as a Cherokee citizen? A I do.

Q When were you married to her? A In '87, near Campbell.

Q In the Cherokee Nation? A Yes sir.

Q State whether you have lived with her as her husband ever since that time? A I have.

Q What of your children have been born since 1897? A John Lewis born since 1896.

Q Have you had any others born since the birth of this child John Lewis? A One, yes sir.

Q What is that child's name? A Ben LaFayette.

Q How old is this child? A He will be 2 years old in August, a year old last August.

Q Are both of these children living with you? A Yes sir.

Q State whether or not you have ever seen Lewis C. Tyner since this application was made? A I have, yes sir.

Q State whether or not within your knowledge he has ever made application to the Commission to the Five Civilized Tribes? A Not that I know of.

Q State whether within your knowledge he has made application for enrollment to the Commission to the Five Civilized Tribes since 1897? A To the best of my knowledge he has not.

Q State whether within your knowledge he has since that time made any claim of having been admitted as a citizen of the Cherokee Nation by the Commission or by the United States Court? A He has not to the best of my knowledge.

Q Have you any middle name? A No sir, I havenot.

BY MR. HASTINGS:

Q How do you know that Lewis C. Tyner hasnot made any application? A I said he has not to the best of my knowledge.

Q How did you get any information on it? A I saw him and talked with him on it and he said-

Q Well it is what you remember what he said then aint it, that's all you know about it? A Yes sir.

BY MR. HASTINGS: The Cherokee Nation moves to strike out that part of the witness' testimony with reference to the information he had about Lewis C. Tyner, because the same is hearsay and not admissible testimony.

BY COMMISSION: Objection will benoted and the testimony considered for what it is worth.

Q What was your wife's name in 1896? A Martha E. Tyner.

Q You have a child named Robert L. Tyner? A Yes sir.

Q He was then about 8 years of age, in 1896? A Yes sir, I reckon he was.

Q You have a daughter Mary Tyner, about 6 years old in 1896? A Yes sir.

Q And a twin daughter named Sarah Tyner? A Yes sir.

Q Did you at that time have a child named Mattie Tyner, 3 years old? A I did.

Q Child also named Dempsey? A Yes sir.

Q Your name and that of your wife and these children whose named I have just called all are included in an application to the Dawes Commission for enrollment in 1896? A The application purports to have been made by yourself and signed by Lewis Tyner; did you make that application, and is that your signature? (Shows signature to the applicant.) A Yes sir.

JOHN W. TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name? A John W. Tyner.

Q Where do you live? A I live near Campbell, Indian Territory.

Q In the Cherokee Nation? A Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A I have been here 26 years.

Q State whether or not you have been enrolled as a citizen of the Cherokee Nation? A Well I suppose I have.

Q Do you know Lewis Tyner, who has just been upon the stand?

A Yes sir, I am acquainted with him.

Q What relation is he to you? A He is a first cousin.

Q What relation is his wife to you? A Well I claim her for my daughter.

Q How long have you known Lewis Tyner? A Well I don't remember, but I have known him between 25 and 30 years; I don't know just how long.

Q Where did he live with reference to you in 1896? A Why he lived close by me, Illinois District, Cherokee Nation.

Q He had been married to your daughter before that time? A Before 1896?

Q Yes sir? A Yes sir.

Q Do you know Lewis C. Tyner? A I know one Lewis C. Tyner.

Q Where does he live? A He lives in Goingsnake District, Cherokee Nation.

Q What relation to you is he? A He is a half brother of mine.

Q Full brother? A I suppose he is.

Q Where was he living in 1896? A He was living there in Goingsnake District.

Q State whether or not he made application to the Commission to the Five Civilized Tribes in 1896 for enrollment as a Cherokee citizen? A -

BY MR. HASTINGS: Objected to by the Representatives of the Cherokee Nation, because the record is the best evidence and the testimony of this witness would at best be only negative testimony.

BY COMMISSION: Objection noted; answer the question Mr. Tyner.

A Why he told me he did not.

Q State whether you went to see him with reference to getting him to make an application with you? A I did.

Q State whether or not he refused to make an application at that time? A He refused; didn't think it was worth while.

Q Did you make an application at that time for citizenship? A Yes sir.

Q State whether or not within your knowledge he has ever claimed since that time to have been admitted as a citizen of the Cherokee Nation? A Lewis C. Tyner, my brother?

A Yes sir. A Why if he has I don't know it.

Q State whether within your knowledge he has ever made application to the Commission to the Five Civilized Tribes since that Commission has been making a roll of the Cherokee citizens, to be enrolled as a citizen of the Cherokee Nation? A I don't think he has.

BY MR. HASTINGS:

Q How far did you live from him in 1896? A It is something near 40 miles.

Q Do you know all the things that he did between June 10, 1896 and September, 1896? A Why of course I don't.

Q Then you don't know of your own knowledge whether he made application or not? A I don't, I couldn't say positive about it; he told me he didn't.

Q You only know what he said about it? A Yes sir.

Q Have you been around with this Commission all the time since it has been enrolling Cherokee citizens? A No sir.

Q How do you know then that this Lewis C. Tyner has not applied to this Commission for enrollment? A I don't think he has.

Q How do you know it? A I don't know it.

Q Have you been with him? A Once in a while, once or twice.

Q When did you see him last? A I saw him last summer.

Q When did you see him before that? A It has been probably three years before, I don't recollect about it.

Q Then you don't know of your own knowledge whether he has applied to this Commission or not, do you? A I don't know, no sir.

BY MR. GIBSON:

I simply desire to call attention of the Commission to the fact that the records of this Commission in 1896 fail to disclose that Lewis C. Tyner, ever made any application for enrollment as a citizen of the Cherokee Nation.

BY MR. HASTINGS: The Cherokee Nation asks that the records in Dawes Commission Number for 1896, 1413, being the case of Lewis Tyner, his wife and children, be copied and made part of the record in this case.

BY COMMISSION: The following entry appears upon the Dawes Commission docket of citizenship cases heard in 1896, page 22, number 1413:

"Lewis Tyner, vs Cherokee Nation,

Filed September 8, 1896; answer filed; application denied, Vinita, Indian Territory, October 24, 1896."

The record fails to show that an appeal was taken in said application.

BY MR. GIBSON: The petitioner objects to the proof offered as contained in the last statement that "the record fails to show that any proof of an appeal."

BY COMMISSION: It appears from the records of the Commission that the applicant, Lewis Tyner, has been listed for enrollment on card number D97, and his wife and children on card number D1194. It is directed that card D 1194, being that of applicant's wife and children, be cancelled, and that their names be transferred to card number D 97, that of the applicant, Lewis Tyner.

BY COMMISSION OF MR. GIBSON: You desire to file a brief in this case, Mr. Gibson? A I don't believe I do.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case to the Commission and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 3, 1902.

M.D. Green
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis Tyner, et al., as Citizens by blood of the Cherokee Nation.

Protest on Behalf of the Cherokee Nation.

Come now the Cherokee Nation and respectfully moves for an appeal from the decision of the Commissioner to the Five Civilized Tribes of December 27, 1905, and requests that all of the papers in the case be forwarded to the Secretary of the Interior for review.

There is but one point to be considered in this case, and that is whether the principal applicant, Lewis Tyner, was admitted to citizenship in the Cherokee Nation by the United States court given jurisdiction by the Act of June 10, 1896. The other names embraced in the application claim through and as descendants of the said Lewis Tyner.

Under the Act of June 10, 1896 the Commission to the Five Civilized Tribes was authorized to hear and determine the applications of all persons who might apply to them within three months after the passage of the Act. The Commission was required to decide all applications within 90 days after the same were made. The Act of June 10, 1896, further provides that the decision of the Commission to the Five Civilized Tribes shall be final unless an appeal be taken from the decision of the commission within sixty days.

An investigation of the records in this case shows that Lewis Tyner, the applicant, is about 35 years of age; that he was married in 1867; that on September 8, 1896, he made application to the Commission for the enrollment of himself, his wife, Martha E. Tyner, and five children; Robert L. Tyner, Mary Tyner, Sarah Tyner, Mattie Tyner, and Despay Tyner. The number of his case was 1413, and the record of the Commission to the Five Civilized Tribes shows that an

October 24, 1896, the application he made for himself and the members of his family was denied and the record further shows that no appeal was taken as provided by the Act of June 10, 1896. The record further shows that not only was no appeal taken, but all of the original papers in this case, No. 1413, are yet in the hands of the Commissioner and were never transferred or asked to be transferred to the United States Court upon appeal.

We cannot agree with the findings of the Commissioner to the Five Civilized Tribes in this case. It is true that Jesse L. Tyner made application under the Act of June 10, 1896, to be enrolled as a citizen of the Cherokee nation, but they were separate applications, and that of Jesse L. Tyner was No. 3598, whereas Lewis Tyner's was No. 1413. The record further shows that an appeal was taken in the case of Jesse L. Tyner (Commissioner's No. 3598) which was given a Court No. 151 within the time prescribed by the Act of June 10, 1896, but the records of the Commission to the Five Civilized Tribes conclusively show that no appeal whatever was taken in the case of Lewis Tyner, the applicant, which was No. 1413. This is not only shown from the record that no appeal was taken, but it was the custom when an appeal was taken to have all of the original papers transferred from the office of the Commission to the Five Civilized Tribes to the United States Court and a receipt placed in the jacket in lieu of said papers. Now the records of the Commission show that this case was denied by the Commission, that no appeal was taken, that the original records always remained in the office of the Commission to the Five Civilized Tribes and were never transferred or asked to be transferred to the United States Court. It will be observed that on October 7, 1898, W. M. Springer, Judge of the Northern District of the Indian Territory, ordered that all of the papers filed in the office of the Commission in the cases of James B. Tyner, and John W. Tyner, Susan A. Dunn and John H. Tyner, versus the Cherokee Nation be forwarded to the Clerk of the Court to complete the case of Jesse L. Tyner whose case for citizenship was regularly appealed from the

Commission to the Court, and this order was signed by W. H. Springer. It will be observed that even this order does not include the case of Lewis Tyner, nor does the order include the case hereinabove mentioned for the purpose of perfecting their appeal, but these people being relatives and part of the testimony being in one case and part in the other, the order was given, not for the purpose of perfecting appeals even in these cases, but only for the purpose of perfecting the appeal of Jesse L. Tyner as the Court says, "whose case was regularly appealed from the Commission to this Court."

Now the applicants in this case cannot show and do not attempt to show that the applicant Lewis Tyner appealed his case. The records of the Commission are against them, because in each case that was appealed the record so shows, and in addition to that the original papers would have had to be transferred to the United States Court for review and a receipt of the Clerk placed in the jacket of the commission in lieu of the papers, but this was not done. In order that the United States Court should have obtained jurisdiction over this case, it would have had to be appealed within sixty days from the rendition of the decision of the Commission denying the applicant, Lewis Tyner, October 24, 1896. It is true that the case of Jesse L. Tyner, Court No. 191, was referred to W. A. Gibson, Special Master, who now happens to be the attorney for applicant, but there is not the slightest showing that an appeal was taken in No. 1413. While the report of the Special Master reviewing the proceedings does mention the name of one Lewis C. Tyner, the testimony shows that there was a Lewis C. Tyner, whereas the applicant's name is Lewis Tyner. The Tyner family was a large one. There was a great deal of testimony filed in the case after the Court had ordered that the testimony in a number of other Tyner cases, relatives of Jesse L. Tyner, should be forwarded from the Commission, not for the purpose of appeal, but to complete and for the use of the Court in the Jesse L. Tyner case, but it must be borne in mind that no such

order was given in the Lewis Tyner case, No. 1413. It was never consolidated with the Jesse L. Tyner case. The final decision of the Commission, dated October 24, 1896, was never disturbed, no appeal was taken from it, and it was therefore final. The Court found as follows:

"The judgment of the United States Commission, rejecting this case, is therefore reversed and the application of claimants to be enrolled as citizens of the Cherokee Nation is allowed."

Of course the words "this case" refer alone to the Jesse L. Tyner case, which was No. 3593, which as the Court said as hereinabove quoted from "which was regularly appealed from the Commission to this Court." Of course the word "claimants" in the judgment of the Court could not apply to persons over whom he had no jurisdiction. The case of Lewis Tyner was never appealed, it was never before him, it was not consolidated with the Jesse L. Tyner case; the testimony remained in the original jacket in the office of the Commission to the Five Civilized Tribes; the decision of the Commission was final sixty days after October 24, 1896, when no appeal was perfected from it.

The truth is that the Master, in reporting upon this case, from the voluminous testimony and affidavits inadvertently used the name of Lewis C. Tyner. Now there was a Lewis C. Tyner, a first cousin of Lewis Tyner, the principal applicant in this case. Their grandfathers were the same, and no doubt his name was mentioned as a descendant of this same grandparent in a number of these affidavits, and in his report his name was perhaps included along with the others. But in the judgment of the Court it does not admit all of these parties, but only the "applicants in this case," being that of Court No. 191, that being the case of Jesse L. Tyner, but as we have repeatedly stated Court No. 191 could not include Lewis Tyner the applicant whose Commission No. was 1413, whose case was never appealed, whose case was never consolidated with Jesse L. Tyner, and who

was denied by the Commission.

We earnestly submit that in our judgment the decision of the Commissioner to the Five Civilized Tribes, admitting the applicants in this case, does an injustice to the Cherokee Nation, does violence to the records of the Commission, is contrary to the law and should not be affirmed.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

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Cherokee D 97.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis Tyner, et al., as citizens by blood of the Cherokee Nation.

-1-

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Sallisaw, Indian Territory, on August 7, 1900, Lewis Tyner appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his wife, Martha Elizabeth Tyner, and their minor children, Robert Lee, Sarah Delilah, Mary Louisa, Mattie Emaline, William Dempsey and John Lewis Tyner, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muldrow, Indian Territory, August 14, 1900, at Tahlequah, Indian Territory, December 4, 1900, and at Muskogee, Indian Territory, March 1, 1902, (when application was made for the enrollment of Ben Lafayette Tyner, child of the applicants Lewis and Martha Elizabeth Tyner, who is shown by a birth affidavit filed herewith and made a part of the record herein to have been born August 10, 1900), and at Wauhatchie, Indian Territory, on September 21, 1905. A copy of the proceedings had on March 21, 1903, at Muskogee, Indian Territory, in the matter of the application for the enrollment of James A. Hibbs, et al., as citizens by blood of the Cherokee Nation is filed herewith and made a part of the record herein.

The records further show that, under the Act of Congress approved June 10, 1896 (29 Stat., 321), Lewis Tyner on September 8, 1896, made application to the Commission to the Five Civilized Tribes for citizenship in the Cherokee Nation for himself, his wife, Martha E. Tyner, and their minor children, Robert L., Mary, Sarah, Mattie and Dempsey Tyner, claiming the right to Cherokee citizenship as descendants of one Dempsey Tyner, a Cherokee by

blood. On October 23, 1896, said Commission rendered its decision denying said application, and on January 12, 1897, an appeal was taken to the United States Court for the Northern District of the Indian Territory, in the case of Jesse L. Tyner, et al., vs. The Cherokee Nation, Court No. 191, and that thereafter, the said Court rendered its decision admitting "the claimants" therein to citizenship in the Cherokee Nation. The application made by Lewis Tyner on September 8, 1896, for himself, wife and children, was docketed and styled "Lewis Tyner vs. the Cherokee Nation", but this title was erroneous inasmuch as the members of his family above mentioned were also included in said application. This was also the case with the other applications made to the Commission at that time by relatives of Lewis Tyner who were heads of families. On June 30, 1905, the Commission to the Five Civilized Tribes found that the petition for appeal in the case of Jesse L. Tyner et al., vs. the Cherokee Nation, embraced all cases before the Commission wherein the applicants derived their Cherokee blood through a common ancestor, and on September 9, 1905, its finding was approved by the Department (I.T.D. 10354-1905). said petition also followed the method of styling before the Commission in giving only the names of heads of families, notwithstanding the fact that the original applications which cont. in other members of the families were before said Court by its order.

The report of the Special Master appointed by the Court in said case, in reviewing the proceedings, states in his second finding that: "The application was presented by Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, and others, naming them, and from an examination of all the names grouped under the head of Jesse L. Tyner vs. the Cherokee Nation, it appears that said parties were heads of families who applied to the Commission on September 8, 1896.

The judgment of the United States Court in the case of Jesse L. Tyner, vs. the Cherokee Nation, fails to mention the names of the parties before it, and concludes as follows:

"The judgment of the United States Commission rejecting this case is therefore reversed and the application of the claimants to be enrolled as citizens of the Cherokee Nation is allowed."

Although all the applicants who were named in the application made on September 8, 1896, were not specifically mentioned in the judgment of the United States Court they were applicants before that Court and under the general designation of "claimants" were admitted to citizenship in the Cherokee Nation.

The right of the applicants herein to be enrolled depends upon the following question, to-wit:

Whether or not Lewis Tyner, principal applicant herein, is identical with Lewis C. Tyner, mentioned in the judgment of the United States Court in the case of Jesse L. Tyner.

It is established that at the time application was made September 8, 1896, there were in the Cherokee Nation one Lewis Tyner and one Lewis C. Tyner, both relatives of the Tyner family. That the Lewis C. Tyner mentioned in the appeal is identical with Lewis Tyner, the principal applicant herein, is shown by the testimony of the said Lewis Tyner, W. H. Smith, John W. Tyner, John A. Carter, and the said Lewis C. Tyner. The testimony of these witnesses shows beyond question that the said Lewis C. Tyner was not an applicant for Cherokee citizenship before the Commission to the Five Civilized Tribes on September 8, 1896, and the records of this office fail to show that any application has ever been made for his enrollment as a citizen of the Cherokee Nation.

In view of the foregoing it is considered that the evidence in this case shows that the applicants, Lewis, under the name of Lewis C., Martha Elizabeth, Robert Lee, Sarah Delilah, Mary Louisa, Mattie Eualine, and William Dempsey, under the name of Dempsey, Tyner, were admitted to citizenship in the Cherokee Nation by the judgment of the United States Court in the case of Jesse L. Tyner, et al.; and that the applicants, John Lewis and Ben Lafayette Tyner, were born since said admission.

It is further shown that the applicants, Lewis and Martha Elizabeth Tyner, were married in 1887, and have since continuously resided in the Cherokee Nation, and that the applicants, Robert Lee, Sarah Delilah, Mattie Eualine, William Dempsey, John Lewis and Ben Lafayette Tyner, are children of the said Lewis and Martha Elizabeth Tyner, and have continuously resided with their parents in said Nation since birth. It is further shown that the applicant Mary Louisa Tyner, died on August 28, 1901.

Section Twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Lewis Tyner, Martha Elizabeth Tyner, Robert Lee Tyner, Sarah Delilah Tyner, Mattie Eualine Tyner, William Dempsey Tyner, John Lewis Tyner and Ben Lafayette Tyner, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted. And it is further ordered that, under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of Mary Louisa Tyner as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed, without prejudice.

SIGNED: Tanne Dixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this 27 day of 1902

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-97

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

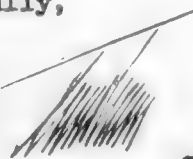
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis Tyner, his wife, Martha Elizabeth Tyner, and minor children, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis and Ben Lafayette Tyner, and dismissing the application for the enrollment of Mary Louisa Tyner, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,



Commissioner.

Incl B-60

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-97.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your protest against the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Enaline, William Dempsey, John Lewis and Ben Lafayette Tyner, as citizens by blood of the Cherokee nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the Secretary's action as soon as this office is advised of the same.

Respectfully,

LS


Commissioner.

(V
(COPY)

J.F.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.21670-1906.
LRS

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 18, 1906, you transmitted the record in the matter of the application for the enrollment of Lewis Tyner et al. as citizens by blood of the Cherokee Nation, including your decision dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah Mattie Emaline, William Dempsey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, she having died prior to September 1, 1902.

Reporting October 26, 1906 (Land 6581), the Indian Office recommended that your decision be approved.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Thos. Ryan,
(Signed) First Assistant Secretary.

3 inc. to Ind. Of.

A.F.Me.
2-23-07.

REFER IN REPLY TO THE FOLLOWING:

~~SECRET~~ D 97

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, was affirmed by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc. M-81

MH


Commissioner.

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No. 3525.

NEWTON I. HIBBS, ET. AL.,
-vs-
CHEROKEE NATION.

The original petition in this case was filed with the Commission to the Five Civilized Tribes September 8, 1896. The names of the petitioners and those for whom they apply are as follows:

Newton I. Hibbs,	for	1 Newton I. Hibbs,	age	62
Eleanor Parker,	"	2 Eleanor Parker,	"	30
" husband	"	3 R. C. Parker,	"	39
" child	"	4 Anther Parker,	"	11
" "	"	5 Jaumetta Parker,	"	7
Elizabeth Nichols,	"	6 Elizabeth Nichols,	"	27
" husband	"	7 A. M. Nichols,	"	31
" child	"	8 Henry Nichols,	"	6
" "	"	9 Ruby Nichols,	"	2 yrs
Mary A. Tygart,	"	10 Mary A. Tygart,	"	47
" husband	"	11 W. P. Tygart,	"	48
<i>See 77 this case</i> " child	"	12 Presley M. Tygart,	"	21
" "	"	13 Etta E. Tygart,	"	17
" "	"	14 Ara O. Tygart,	"	15
" "	"	15 May Tygart,	"	8
John H. Tiner, <i>Dec. 4/1911</i>	"	16 John H. Tiner,	"	77
" wife	"	17 Elizabeth Tiner,	"	55
" child	"	18 Joseph F. Tiner,	"	28
" "	"	19 Charley W. Tiner,	"	18
" "	"	20 William Tiner,	"	16
" "	"	21 Naud Tiner,	"	13
" "	"	22 Fannie Tiner,	"	21
James R. Sivley,	"	23 James R. Sivley,	"	52
" wife	"	24 Sarah C. Sivley,	"	42
" child	"	25 Martha O. Sivley,	"	22
" "	"	26 George M. Sivley,	"	20
" "	"	27 Dora D. Sivley,	"	19
" "	"	28 Mary I. Sivley,	"	15
" "	"	29 Margaret M. Sivley,	"	13
" "	"	30 David B. Sivley,	"	10
" "	"	31 Tecumseh Sivley,	"	8
" "	"	32 Wayne Sivley,	"	5
" "	"	33 J. Josephine Sivley,	"	5 mo
J. F. Tiner, <i>Sept 14/1912</i>	"	34 J. F. Tiner,	"	34
" wife	"	35 Mary E. Tiner,	"	30
" child	"	36 Homer J. Tiner,	"	19
" "	"	37 Lloyd W. Tiner,	"	8
" "	"	38 Myrtle F. Tiner,	"	6
" "	"	39 Ellen M. Tiner,	"	1 mo

George W. Sivley,	for	40 George W. Sivley,	age	39
"	wife	41 Bettie A. Sivley,	"	35
"	child	42 George C. Sivley,	"	14
"	"	43 Alva W. Sivley,	"	10
"	"	44 Clarence Sivley,	"	4
Parthenia Weatherston,	"	45 Parthenia Weatherston,	"	34
"	husband	46 M. H. Weatherston,	"	40
"	child	47 Thomas D. Weatherston,	"	16
"	"	48 Mary Etta Weatherston,	"	13
"	"	49 Loula Perl Weatherston,	"	11
"	"	50 Cora Obedience	"	9
"	"	51 James William	"	7
"	"	52 George Elenco	"	4
Ellen Moore,	"	53 Ellen Moore,	"	29
"	husband	54 John P. Moore,	"	31
"	child	55 Virgie O. Moore,	"	9
"	"	56 Adah M. Moore,	"	7
"	"	57 John E. Moore,	"	2
"	"	58 Volney S. Moore,	"	10mo
Mary E. Farmer,	"	59 Mary E. Farmer,	"	45
"	husband	60 John Farmer,	"	53
"	child	61 George L. Farmer,	"	18
"	"	62 William P. Farmer,	"	16
"	"	63 Jasper I. Farmer,	"	10
"	"	64 Rolland V. Farmer,	"	8
Martha J. Spicer,	"	65 Martha J. Spicer,	"	39
"	husband	66 John Spicer,	"	38
"	child	67 John Henry Spicer,	"	6
"	"	68 James E. Spicer,	"	4
"	"	69 William R. Spicer,	"	1
Mary A. Hibbs,	"	70 Mary A. Hibbs,	"	66
"	child	71 James D. Hibbs,	"	22
Mary A. gives the name of her husband as L. S. Hibbs, dec'd.				
Louise E. Sarguine,	"	72 Louise E. Sarguine,	"	37
"	child	73 Hester J. Cox,	"	17
"	"	74 Adah F. Cox,	"	15
"	"	75 Minnie A. Cox,	"	13
"	"	76 Cleveland V. Cox,	"	11
Presley M. Tygart,	"	77 Presley M. Tygart,	"	81
Tennessee R. Davis,	"	78 Tennessee R. Davis,	"	50
"	child	79 Alpheus M. Davis,	"	28
"	"	80 John J. Davis,	"	23
"	"	81 William F. Davis,	"	21
"	"	82 Rebecca Davis,	"	16
"	"	83 George V. Davis,	"	11
Husband, Mike Davis, deceased.				
S. C. Walker,	"	84 S. C. Walker,	"	--
"	"	85 Thomas Tiner,	"	15
"	"	86 Sarah C. Tiner,	"	11
"	"	87 Blaine Tiner,	"	10
"	"	88 Elma V. Tiner,	"	9
Husband, Lewis R. Tiner, deceased.				

From the Commission death entry it appears that all ap-

4
plicants embraced in said petitions were denied, and it does not appear that appeal was taken by any of said applicants. The following note appears on the Commission docket immediately below the entry, "Application denied," "Papers sent Clerk U. S. Court for use in connection with Jesse L. Tyner case No. 3598."

The papers in this case are found with the papers in Court Case # 191. Jesse L. Tyner et al

No. 1412.

John^H A. Tyner,
v-
Cherokee Nation.

The original petition was filed in this case September 8th, 1896, and the same was denied by the Commission to the Five Civilized Tribes, October 24, 1896, as shown by the docket entry. The names of the petitioners and those for whom application was made are as follows:

John ^H Tyner, Dec # 3524	for	1	John H. Tyner,	age	77
" "	wife	2	Elizabeth Tyner,	"	57
" "	"	3	John W. Tyner,	"	35
" "	"	4	Joseph Tyner,	"	25
" "	"	5	Fannie Tyner,	"	21
Dec 3524	"	6	Ellen Tyner,	"	29
" "	"	7	Charlie Tyner,	"	18
" "	"	8	William Tyner,	"	16
" "	"	9	Maud Tyner,	"	13

The relationship existing, if any, is only disclosed as to John H. and Elizabeth.

James B. (R) Tyner, for	10	James B. Tyner,	age	42	
John W. Tyner,	"	John W. Tyner,	"	49	
"	wife	12	Louisa Tyner,	"	--
Dec case 3/83	child	13	Martha E. Tyner,	"	26
"	"	14	Mary B. Tyner,	"	24
"	"	15	Cibansadia Tyner,	"	16
"	"	16	Galdona Tyner,	"	13
"	"	17	Minnie E. Tyner,	"	10
"	"	18	John W. Tyner,	"	6
Susann Dunham	"	19	Susan Dunham,	"	46
"	"	20	Charles Dunham,	"	45
"	"	21	Sarah B. Dunham,	"	24
"	"	22	William H. Dunham,	"	22
"	"	23	James U. Dunham,	"	20
"	"	24	Fannie Dunham,	"	17
"	"	25	John W. Dunham,	"	15
"	"	26	Charles A. Dunham,	"	13
"	"	27	Marcus Dunham,	"	11
"	"	28	May Dunham,	"	10

Relationship existing between the above named ten persons, if any, is not disclosed.

The Commission docket does not show that an appeal was taken in this case.

The papers in this case are found with the papers in Court case No. 191, Jesse L. Tyner, et. al.

It does not appear that the case is correctly numbered above. The papers are in Court case # 191
fastened together, without a number. They contain the application in 1411-1412-1413-1414-1415.
They

No. 1123

Jesse L. Tyner, et al.,
vs
Cherokee Nation.

From the Commission docket it appears that the application in this case was filed September 8, 1896. Application denied October 22, 1896. No appeal appears to have been taken. The application was made by Jesse L. Tyner, and contains the following names.

Jesse L. Tyner,	for	Jesse L. Tyner,	age	52
"	child	Ulysses S. A. Tyner,	"	26
"	"	Benjamin W. Tyner,	"	24
"	"	Hiram J. Tyner,	"	22
"	"	Mary A. Tyner,	"	20

The papers in this case are in the original Commission jacket and do not appear to have been transmitted to the United States Court.

No. 1413. *Lewis Tyner et al.*

The original petition in this case was filed with the Commission September 8, 1896; application denied October 24, 1896. The Commission docket does not show that an appeal was taken in this case.

The application appears to have been made by Lewis Tyner, and contains the following names:

Lewis Tyner,	for	Lewis Tyner,	age	30
"	wife	Martha E. Tyner,	"	28
"	child	Robert L. Tyner,	"	8
"	"	Mary Tyner,	"	8
"	"	Sarah Tyner,	"	6
"	"	Mattie Tyner,	"	3
"	"	Dempsey Tyner,	"	1

The papers in this case are in the original Commission jacket, and do not appear to have been transmitted to the United States Court.

No. 3733

Mary B. Carter,
Cherokee Nation.

The original petition in this case was filed with the Commission to the Five Civilized Tribes September 8, 1898. From the Commission docket it appears that the application was denied October, 26, 1898.

The Commission docket does not show that an appeal was taken in this case.

The application was made by Mary B. Carter, nee Tynar, and includes the following names:

Mary B. Carter,	for	See case 1417	Mary B. Carter,	age	25
"	"	husband	John Carter,	"	34
"	"	child	Lafayette Carter,	"	5
"	"	"	Pearl Carter,	"	3
"	"	"	Lugy Carter,	"	1

The petition states that Mary B. Carter is a daughter of John W. Tynar.

The papers in this case are in the original Commission jacket, and do not appear to have been transmitted to the United States Court.

No. 1411.

John W. Tyner,
vs.
Cherokee Nation.

It appears from the Commission docket entry in this case that the application in this case was filed September 8, 1896, and application denied October 24, 1896.

The following note is found on said docket: "10/7/98, Papers in this case forwarded to complete case of Jesse L. Tyner, appealed."

1412,

John H. Tyner, vs.
Cherokee Nation.

Same docket entry and note as in No. 1411.

No. 1414.

James B. Tyner,
vs.
Cherokee Nation.

Same docket entry and note as in No. 1411.

The papers in this case are with the papers in court case No. 191. In this jacket an order is found of which the following is a copy.

No. 1414.
James B. Tyner,
vs.
Cherokee Nation.

Muskogee, I. T., October 7, 1898.

In the United States Court for the Northern District of the Indian Territory, at Muskogee.

Hon. Dawes Commission:

You will please forward all the papers filed in your office in the case of James B. and John W. Tyner, Susan A. Dunham and John H. Tyner vs. Cherokee Nation to the Clerk of this Court to complete the case of Jesse L. Tyner, whose case for citizenship was regularly appealed from the Commission to this Court.

(signed) W.M. Springer, Judge.

Mar 22 1899

In Commission jacket No. 3525 a paper is found issued by the Clerk of the U.S. Court directing the Commission to "transmit all the papers in the case of James and George Hibbs now on file in your office to the Clerk of the United States District Court of the Northern Judicial District Indian Territory, at Muskogee, Indian Territory to be used on the trial of the case of Jesse Tyner et al vs the Cherokee Nation, now pending on appeal in said Court," dated July 13, 1897. Said paper is endorsed thus: "Number 3525, Jas. & George Hibbs Nivley vs. Cherokee Nation."

Not sure that the papers in the Court case are the same as in this case - appear to be the same name

No.1415.

Martha Williams
vs.
Cherokee Nation.

From the Commission docket it appears that the application in this case was filed September 8, 1896. Application denied October 24, 1896. Case appealed and decision of Commission was sustained.

The original petition was made by Martha Williams nee Tyner, and contains the following names:

Martha Williams,	for	Martha Williams,	age	27
"	Husband	Robert H. Williams,	"	--
"	child	Annie Williams,	"	8
"	"	Eddie W. Williams,	"	6
"	"	John Williams,	"	1

Receipts from Clerk U.S. Court:

3598, Jesse L. Tyner,
3525, Newton J. Hibbs, et al.
1411, John W. Tyner,
3655, Susanne Dunham,
1412, John H. Tyner,
1414, John B. Tyner.

These receipts are with the papers in Court case No.191.

Jacket 1414, contains order for transmission of papers in James B. Tyner, No.1414, John W. Tyner, No.1411, Susan Dunham, No.3655, John H. Tyner, No.1412, "to complete the case of Jesse L.Tyner."

In Court case No.191, the Court docket gives the style of the case as Jesse L. Tyner, et al. The names of those embraced are not given. The petition for appeal contains the following names: Jesse L. Tyner, John W. Tyner, Lewis G. Tyner, John Carter, Belle Carter, James Hibbs, William Smith, Robert Williams and George M. Hibbs, and it appears that the appeal prayed for was granted. It appears from said court docket that the judgment of the Commission denying citizenship to those embraced in Court case No.191, was reversed, and the parties to said case No.191 were admitted, but the docket entry of the Court does not give the names of those so admitted.

The following appears in the Court docket:

191- Jesse L. Tyner, et al.,
vs.
Cherokee Nation.

"Referred to H.A.Gibson, as Special Master under Rule 8- Dec. 15, 1897; Judgment reversed and application allowed."

The Master's report was filed as shown by the papers, October 7, 1897.

It will be observed that the order of the Judge for the papers in cases No's 1411, 1412 and 1414, bears date of October 7, 1896. The statements of the Secretary to be found in jackets 1411, 1412, disclose that the papers were forwarded October 7, 1896, and the receipts for the papers bear the same date.

In cases 1412 and 3525 the following named persons appear to have been applied for in each case:

No. 1412.

John H. Tyner, age 77,
Elizabeth Tyner, age 57,
Joseph Tyner, age 25,
Charlie Tyner, age 18,
William Tyner, age 16,
Haud Tyner, age 13,
Fannie Tyner, age 21,
John W. Tyner, age 36,

No. 3525.

John H. Tiner, age 77,
Elizabeth Tiner, age 58,
Joseph F. Tiner, age 25,
Charley E. Tiner, age 18,
William Tiner, age 16,
Haud Tiner, age 13,
Fannie Tiner, age 21,
J.W. Tiner, age 36.

3598.

Jesse L. Tyner.

Denied by Commission, appealed, Court case No. 191, style of Court case, Jesse L. Tyner, et al. Decision of Commission reversed. Names of those admitted by the Court not given, in Court docket.

On the Commission docket the names of those admitted by the Court are given as follows: Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, John Carter, Belle Carter, Wm. Smith, James Hibbs, Robert Williams, George M. Hibbs.

The Master's report in this case contains the above nine names and no other.

The papers in Commission case No. 3598, Jesse L. Tyner, are not with the papers in Court case No. 191, and are not found elsewhere.

SUMMARY

- No. 1123, Jesse L. Tyner- Denied by Commission, no Appeal.
- No. 3598, Jesse L. Tyner, " " " Appeal, admitted.
- No. 1411, John W. Tyner, " " " Papers transmitted, to U.S. Court for use in appeal case of Jesse L. Tyner, and appears to have been admitted by court, No. 191.
- No. 1412, John H. Tyner, Denied by Commission, Papers transmitted to U.S. Court, for use in Jesse L. Tyner case, No. 191.
- No. 1414, James B. Tyner, Denied by Commission, papers transmitted to U.S. Court for use in Jesse L. Tyner case No. 191.
- No. 3655, Susan Dunkham, Denied by Commission. *No appeal- Papers transmitted to U.S. Court for use in Jesse L. Tyner case No. 191.*
- No. 3525, Newton I. Hibbs, et al., Denied by Commission, papers with court case No. 191. *No appeal*
- No. 1413, Lewis Tyner, Denied by Commission, no appeal. The papers in Commission case No. 3598, not found.

----- Of those admitted by Court,

- Jesse L. Tyner, from Commission case No. 3598.
- John W. Tyner, probably from Commission case No. 3525
- Lewis C. Tyner, not identified- Lewis Tyner in Commission case No. 1413, denied, no appeal.
- John Carter, In Commission case No. 3733, denied, - no appeal.
- Belle Carter, Probably Mary B. Carter, Commission case No. 1413, denied, no appeal.
Probably Mary B. Tyner, Commission case No. 1412.
- Wm. Smith, not identified.
- James Hibbs, Probably James D. Hibbs, Commission case No. 3525, see statement as to paper in jacket. Possibly James R. Sivley.
- Robert Williams, Probably Robert H. Williams, commission case No. 1415 *appealed and decision sustained*
- George M. Hibbs, Possibly George M. Sivley, see statement as to endorsement on paper in jacket.
-

MATTER

Genrs J.

FOR ENROLLMENT

CHEROKEE CITIZENS.

- A. Original testimony August 7, 1900
- B. Memo of application " 7, 1900
- C. Additional testimony " 14, 1900
- D. Affidavits regarding case of applicant in U.S. Court
- E. Additional testimony December 4, 1900
- F. Notice of final consideration 4/1/01
- G. Notice of final consideration 3/1/01

H. Memo of application Aug 7/00

Memo of transfer

Supplemental testimony and order closing testimony March 1, 1902

See jacket to H. H. H.

Cher D 98

Cher D 98

D98

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 16 1900

[Handwritten signature]

ACTING COMMISSIONER

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 9, 1900.

In the matter of the application of Dennis Hood for the enrollment of himself and child as Cherokees by blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Dennis Hood.
Q What is your age? A 28.
Q What is your post office address? A Sallisaw.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What district do you live in? A Sequoyah district.
Q How long have you lived there? A All my life.
Q Have you ever lived out of the Cherokee Nation? A Not any length of time.
Q When and where? A Down here in Arkansas, Sebastian County.
Q When did you live in Sebastian County, Arkansas? A It has been about 10 or 12 years ago, I guess.
Q Then did you go from there to the Cherokee Nation? A Yes, sir, I came back to the Cherokee Nation.
Q And you have been living in the Cherokee Nation ever since? A Yes, sir.
Q You haven't lived out of it since that time? A No, sir.
Q What is your father's name? A Henry Hood.
Q Is he living? A No, sir.
Q Is he a Cherokee by blood? A Yes, sir.
Q When did he die? A In 1894.
Q What is the name of your mother? A Leslie Carter, is her name now.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen by blood? A Yes, sir.
Q Are you married? A Yes, sir.
Q When were you married? A In 1897.
Q What was your wife's name before you were married? A Zola Maples.
Q Was she a citizen? A No, sir.
Q What was her father's name? A John Maples.
Q Is he a non citizen? A Yes, sir.
Q What is her mother's name? A Mary Maples.
Q Is she a citizen? A No, sir.
Q Have you any children? A Yes, sir, one.
Q What is its name? A Lizzie Hood.
Q How old is it? A One year old.
Q Have you any marriage certificate? A No, sir.
Q What proof have you that you were married? A I haven't any.
Q You can't get this child enrolled unless you can prove you were married. Who married you? A Parson Dooly.
Q Where is he? A He lives in Brushy Mountain.
Q Did he give you a certificate? A No, sir, he gave me a certificate and I gave it to the Clerk's office to have it recorded and he never returned, to Sequoyah.
Q Was your father's name Henry C. Hood? A He signed his name that way.
Q You can get a certificate from that preacher, can't you? A I suppose I can.
Q Did you have any brothers named David? A No, sir, he had a brother named David.
Q Has your name always been called Dennis? A Yes, sir.
(The original record of marriages of the Cherokee Nation, Sequoyah district, is presented, and recorded therein is found the marriage of Dennis Hood, age 28, to Miss L. C. Maples, on the 30th day of October.

Dennis Hood - 2.

1897, recorded in the Clerk's office at Muskogee, Book A, page 31-33.)
(On 1896 roll, page 1078, No. 963, Dennis Hood, Sequoyah district.)

Q Did you draw your strip money in 1894? A Yes, sir.

(On 1894 roll, page 981, No. 1806, Dennis Hood, Sequoyah district.)

Q What relation are you to the Sixkillers? A There is one Six-killer my father's cousin.

Q Your name was never called Sixkiller? A No, sir.

Q Did you live with your father? A Yes, sir, I lived with him for ever since I can recollect.

Q What proportion of blood have you got? A $1/8$ I suppose, my father claimed to be $1/4$.

Q Well, you are not on the roll of 1880, and we have no proof of your father and mother's marriage. A I have an affidavit of my mother.

Martha Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Martha Vann.

Q How old are you? A About 67, I guess.

Q What is your post office? A Sallisaw.

Q What district do you live in? A Sequoyah.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know Henry Hood? A Yes, sir, I nursed him many a time when he was a baby.

Q Was he a Cherokee citizen? A Yes, sir, and my own brother.

Q How much blood did he have? A $1/4$.

Q Did you know his wife Leslie? A Yes, sir.

Q What was her name before her marriage? A Leslie Barrett.

Q Was she a citizen of the Nation? A No, sir, a white woman.

Q Do you know whether they were married or not? A No, sir, I wasn't at the marriage.

Q Do you know whether they lived together as man and wife? A Yes, sir.

Q How long did they live together? A I don't know, sir, I never was at their house but once.

Q How long did you know them from the time they were married until the time she went away, did you know them during that whole time? A Yes, sir, I know my brother, of course I wasn't right with the woman much, but I saw her.

Q When did she leave? A I don't remember what year it was in.

Q Were you present at the birth of this applicant, Dennis Hood?

A Yes, sir.

Q Do you know whether he was born while they were living together as man and wife? A Yes, sir, when I was out there at their house he was a little bit of a chap.

Mr. W.W. Hastings, representative of Cherokee Nation: When were they married, in what year? A I don't know.

Q You say you were at their house one time? A Yes, sir, I was at their house once.

Q Do you remember what year that was in? A No, sir, I don't.

Q How long did you remain there? A I stayed a day or two.

Q Was he living with this woman then as his wife? A Yes, sir.

Q Was this child born then? A Yes, sir, he was a right smart little chap.

Q About how old? A About a year or a year and six months, I don't remember just exactly.

Q Do you know what time they separated? A No, sir, I don't.

Q You said a while ago while you were not under oath that this woman took this boy off to the states somewhere and his father afterwards went and got him? A Yes, sir, after they separated she came here and stole him in the night and went off with him.

Q How long did she keep him? A I don't know, about 7 or 8 months, I don't recollect exactly.

Q Have you known this boy ever since? A Yes, sir.

Dennis Hood - 3

Q Have you known this boy ever since? A Yes, sir.

Q Where has he been living since that time? A In Sequoyah.

Q All the time? A Yes, sir.

Q With the exception of that short time that his mother stole him, he has been living in Sequoyah? A Yes, sir, after he got a good size boy his father let him go with his mother and go to school about three months.

Q Where? A Over the other side of Fort Smith.

Q State of Arkansas? A Yes, sir, I guess so, I don't know exactly where she lived, but he was in the State.

James M. Price, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A James M. Price.

Q What is your age? A 55.

Q Are you a citizen of the Cherokee Nation? A By marriage.

Q What is your post office? A Sallisaw.

Q How long have you been a resident of the Cherokee Nation? A Ever since 1873.

Q Do you know Dennis Hood? A Yes, sir.

Q When did you know him? A I knew him when he was a baby.

Q Did you know him up to the time of his death, Henry Hood?

A Yes, sir, I knew him up to the time of his death from 1873.

Q Did you know the woman called Leslie Hood? A Yes, sir, she was a Barrett.

Q What relation did they bear to each other? A They lived together down there in the bottom.

Q Did they live together as man and wife? A I can't say as to that.

Q You don't know whether they were married or not? A No, sir.

Q You don't know whether they were regarded as man and wife or not?

A No, sir, I moved there in 1874, in the bottom where they lived.

Mr. Hastings: Did you live near them? A Yes, sir.

Q How were they regarded, do you know anything to the contrary that they were not man and wife? A No, sir, I don't know anything particular as to that, only this woman had this boy.

Q Was there any talk in the neighborhood that they were married or were not married? A My understanding was they were just cohabiting, I don't know whether they were married or not, Henry Hood claimed him as his boy.

Q Have you been living here in Sequoyah district ever since that time? A Yes, sir, over here about ten miles.

Q What became of that boy after this time? A When I first, known him in 1875 I think he came from over in the State, and I knew nothing more about him until I seen him at his father's, and Henry told me it was the same boy.

Q How long afterwards did you see him here? A It might have been ten years or so.

Q You don't know where he was at in the meantime? A No, sir, it he might have been in the Nation and he might have been out. The last ten or twelve years I knowed him to be back here, but where he was before that time I don't know.

Commissioner Needles: Do you know how long Henry Hood and this woman cohabited or lived together? A I went there in 1874 and moved up to Sallisaw in 1875, I think for a year and a half or two years.

Q Did Hood have any other family? A I don't know, he had a wife, I don't know whether it was before that time or afterwards, I think probably it was afterwards when he married Martha Snoker.

Q Married her after that? A I don't know whether it was after that or not, that is the woman he had when he died.

Martha Vann, recalled, testified:

Q Mrs. Vann, do you know whether Henry Hood ever had any other wife

Dennis Hood - 4.

or not? A No, not at the time he lived with Dennis' mother he never had any other wife, but after they were separated several years he married a woman named Margaret Smoker.

Q Do you know whether he ever got any divorce from Dennis' mother or not? A I do not.

Dennis Hood, recalled, testified;

Q Do you know of anybody else you can prove anything by? A Mr. Littlejohn wrote my father's last will and my father acknowledged me in the will all right.

William N. Littlejohn, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William N. Littlejohn.

Q What is your age? A 34.

Q You are a citizen of the Cherokee Nation? A Yes, sir.

Q What is your post office address? A Ballisaw.

Q Did you know Henry Hood in his life? A Yes, sir.

Q Did you know his wife Leslie? A No, sir.

Q Did you know his son Dennis? A Yes, sir.

Q Do you know whether Henry Hood was married to Leslie Hood or not?

A No, sir, I do not.

Q Did he recognize her as his wife? A I don't know.

Q Did you write a will for Henry Hood? A I did.

Q In that will did he acknowledge this boy Dennis Hood as his son?

A Yes, sir, he did.

Q Do you know yourself whether they were married or not? A No sir, I never seen the woman and don't know anything about her, I knew Mr. Hood.

Q He acknowledged him as his son? A Yes, sir.

Q Did he say anything in his will about his wife? A No, sir, he was living with another woman at that time.

Mr. Hastings: Was this boy living with them at that time? A Yes, sir.

Q How long did you know him to live with Henry Hood? A Since 1890, I believe.

Commissioner Needles: The name of Dennis Hood appears upon the roll of 1886 and the roll of 1894. Upon examination of the roll of 1880, his name is not found. He claims citizenship as a Cherokee by blood. He avers that he was married in 1897 to Lois Maples and the result of that marriage was a child named Lissie, now one year old. From the fact that the name of Dennis Hood is not found on the roll of 1880, and that he can give no positive evidence that his father Henry Hood, and his mother were ever married, his mother being Leslie Hood, nee Barrett, and a non citizen, final judgment as to the application of said Dennis Hood will be suspended and his name will be placed upon a doubtful card, as well as that of his child Lissie.

The said Dennis Hood will be required to file with this Commission proof of the birth of said child, Lissie.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

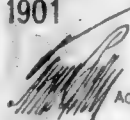
Sworn to and subscribed before me this 14th day of August, 1900.

Bruce G. Jones
Commissioner

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 18 1901



ACTING CHAIRMAN.

S U P P L E M E N T A L T E S T I M O N Y .

D. #98.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DENNIS HOOD as a citizen of the Cherokee Nation:

JOHN FAULKNER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John Faulkner.
Q How old are you? A I am in my 54th year.
Q What is your post office? A Muldrow.
Q In what district do you live? A Sequoyah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Mr. Faulkner, are you acquainted with one Dennis Hood? A Yes, sir.
Q Do you know his wife? A No, sir, I don't know her.
Q Do you know what her name is? A No, I don't recollect.
Q Do you know who she was when he married her? A No, I never saw her.
Q How old is Dennis Hood? A He was born in '76.
Q What is his post office? A I do not know where he gets his mail, he lives above me.
Q Does he live in your district? A Yes, sir.
Q Could he get his mail conveniently at Muldrow? A Yes, sir.
Q He has a wife has he? A He did have.
Q You don't know about her losing her? A They parted.
Q When did they part? A I don't know; it has been several years to my recollection.
Q They have not been married long? A No, sir.
Q They did not stay together long? A No, sir, I don't know how long they did.
Q Did they get together again? A I don't know; he don't live close to me.
Q How long have you known him? A I have known him ever since he was a baby, off and on.
Q What is the name of his father? A Henry.
Q And his mother? A Leasia.
Q What was her name before she married Hood? A Barrett.
Q She had a husband named Barrett? A I never heard of her except as Leasia.
Q Did you ever hear of Dennis' mother being called Leslie Carter? A Yes, sir.
Q Do you know how many children Dennis has? A No, sir, I don't know much about his family.
Q Is he recognized as the son of this man Henry and Leasia Hood? A Yes, sir; they lived by me and I have heard them talk about Henry Hood. Henry Hood and Leasia did not live together more than a year.
Q How many children did Henry Hood and this woman, Leasia, have? A Only the one.
Q Dennis? A Yes, sir.
Q Henry Hood is dead is he? A Yes, sir.
Q Was he a Cherokee or white man? A Cherokee.
Q What was Leasia? A She was a White woman.
Q How do you know that Leasia and Henry Hood were married? A I only know it from neighborhood talk and the day they were married they passed my house.

supl.-Dennis Hood--2.

Q Was her father a preacher? A No, sir.
Q I want to know how you knew that Henry Hood and Leasia were married? A Just from hearsay and they lived together.
Q How old was Henry Hood when they married? A He is a man about my age; they married before '80.
Q How long have you known Henry Hood? A I knowed him about all his life.
Q Have you known him all his life? A Ever since about '63.
Q Was he ever married before he married this woman, Leasia? A It seems to me that he was.
Q Whom was he married to before that? A A woman named Ross.
Q Did they part? A Yes, sir.
Q Was that woman dead when he married this woman, Leasia? A No, sir, I don't think she was.
Q Did they ever get any divorce? A I don't know; about the time I recollect they lived together, he was sent to the penitentiary.
Q Were there any children from that union? A No, sir, none that I know of.
Q Is that woman, Ross, still living? A No, sir, she is dead.
Q When did she die? A I do not know.
Q Do you know her full name? A I don't know whether I do or not.
Q As near as you can recollect about when was it she died? A I can't recall; it was sometime after he married.
Q This woman Leasia? A Yes, sir.
Q Do you know the name of this Ross woman's father? A Tom Ross.
Q Is he dead? A Yes, sir.
Q Do you know the name of this Ross woman's mother? A No, sir; I don't recollect.
Q How this Ross woman; has she any brothers and sisters living that you know of? A Yes, sir, she has got one sister.
Q What is her name? A That is, she has got one full sister.
Q What is the name of her full sister? A Sarah Foreman.
Q What is the post office of Sarah Foreman? A I do not know where she lives.
Q In what district does she live? A In Sequoyah.
Q In what neighborhood does she live? A Silk Prairie.
Q She is a single woman is she? A Her husband is dead.
Q Has this woman any brothers living? A Yes, sir, Dave Ross.
Q Is he living? A Yes, sir.
Q What is his post office? A Callisaw; I guess he lives near Callisaw.
Q You know that Dennis Hood is universally recognized and as always been as the child of Henry Hood by this woman, Leasia? A Yes, sir.

JOHN W. BREEDLOVE, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give your full name there? A John W. Breedlove.
Q How old are you? A 48 years old.
Q What is your post office? A Muldrow.
Q How long have you lived in the Cherokee Nation? A Since '71.
Q Mr. Breedlove, do you know a man named Henry Hood who has been dead now five or six years? A Yes, sir.
Q Did you know his wife? A He has been dead about eight years.
Q Did you know his wife, Leasia? A I knew his wife, Leasia; Leathis I think he called her.
Q She was known as Leasia, or Leathis, Carter was she? A I never knew her as the name of Carter.
Q She was a Barrett when you knew her? A Yes, sir.
Q How was Henry Hood ever married before he married this woman, Leasia? A Not to my knowledge.

Supl.-Dennis Hood--3.

Q You did not know him before 1871? A No, sir, I did not know him before '72.

Q How do you know that he and this woman, Leathie as you call her, were married? A I don't know, sir; I was at the house right near my place of boarding the night they said they were married and they had a dance there that night.

Q They did not live together long? A I think they lived together about a year.

Q She is a white woman is she? A Yes, sir; red headed.

Q And you don't know anything about his being married before that? A No, sir.

Q Is it universally understood in the neighborhood that this man, Dennis Hood, is the child of this H eyr Hood by this wife, Leathie? A Yes, sir.

EXAMINATION BY WILLIAM H. LITTLEJOHN, Attorney for Applicant:

Q Did you trade with Dennis Hood in 1894 on what is termed the Strip money? A Yes, sir.

Q How did you trade, straight with him or through a guardian? A I traded with him through his guardian and I furnished him goods on the payment of '94. Hood died between the years '93 and '94, in the year '93 Henry Hood registered and the boy and then he died and there was a guardian appointed afterwards, and presented his certificate.

Q How long did Hneyr Hood live in the Cherokee Nation after he married this woman, Leathie? A Well, sir; he lived there continuously until his death; in 1880 or along about that time he had some charges against him, some indictments; he had a charge for murder and was scouting around.

BY COMMISSIONER BURKINSHAW:

Q Did this boy Dennis go over to Sebastian County, Arkansas? A His mother went over there and took him with her. His father was not living at home much. They separated, or he left when he got into this trouble.

Q And she took the child when an infant or such a matter over in the States? A Yes, sir.

Q Did the father continue to live in the Cherokee Nation? A He might have begun to live with another woman, Margaret Price and he took the boy home, and he has lived in the Cherokee Nation ever since.

Q This man Henry Hood, has he ever lived out of the Cherokee Nation? A I don't think he has.

Q This wife of his, Leathie; do you know where she is living now? A No, sir, I don't know anything about her.

Q You lost sight of her when her husband began scouting? A Yes, sir, she came back into that community a few years after that and maybe married again.

Q You don't know definitely about that? A No, sir.

Q Do you know whether she was ever married before she married Henry Hood or not? A I do not know.

Q How old a man would Hneyr Hood be if he were living now? A He would be 60 or 65; he was a long razorblade sort of a fellow and you could not tell much about it. I knew him about 1872 and he looked middle aged then.

Supl.-Dennis Hood--4.

Q Did Henry Hood have any children that he claimed before he married this wife? A Not that I ever hears of; he was right in the community where I was from '71 until the time of his death.

Q But as to whether he was married before or not you do not know?
A No, sir.

WILLIAM N. LITTLEJOHN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William N. Littlejohn.

Q How old are you? A 55 years.

Q What is your post office? A Brushy.

Q In what district do you live? A Sequoyah district.

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation since 1869.

Q Did you know Henry Hood, the father of Dennis Hood, of whom we have been speaking? A Yes, sir.

Q Do you know whether he was ever married to a Cherokee woman named Ross, before he married his wife, Leasia? A No, sir, I do not.

Q Do you know whether this Henry Hood was ever in the penitentiary? A Yes, sir.

Q You think he was? A Yes, sir.

Q About when? A About '61 or '62.

Q And was he scouting for sometime before that? A Yes, sir.

Q And you think he is not on the roll of 1860? A If he is not on that is the reason.

Q Now, the question particularly that I want information about is his marriage with this woman, Leathie, as she is called now, and as to any further marriage that he had? A I do not know anything about that.

Q Do you know that he and this woman Leathie lived together? A No, sir.

Com'r Breckinridge:--This testimony will be filed as supplementary in the case of Dennis Hood, D. 296., and attention is called to the fact developed herein that Henry, the father of Dennis Hood, was apparently married to a Cherokee woman named Ross before he married the mother of Dennis Hood, and that woman was still living at the time Henry Hood and the mother of Dennis Hood are shown to have been married.

---ooo oooooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 13th day of February, 1901.

A. H. Breckinridge

Commissioner.

01078

DEPARTMENT OF THE INTERIOR
MISSION TO THE PACIFIC CIVILIZED TRIBES.

MAR 12 1962

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JAN 25 1960
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

Supl.-C.D.#98.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DENNIS HOOD, ET AL., as citizens of the Cherokee Nation;

Applicant was notified by registered letter on January 31, 1902, that this case would be taken up for final consideration on the 17th inst., and that he would on said date be given an opportunity to appear before the commission and introduce any additional testimony affecting his case. Receipt has been acknowledged of the registered letter. Applicant has been called three times and fails to respond, either in person or by attorney, and the case is closed.

C. R. Buckinridge

Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of Dennis Hood for the enrollment of himself and his two minor children, Lizzie and Nettie B. Hood, as citizens by blood, and for the enrollment of his wife, Zoe Hood, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

ZOE HOOD, being sworn, testified as follows:

By the Commission,

- Q How old are you? A Twenty-one years old.
Q What is your postoffice? A My postoffice now is Brushy.
Q Are you a white woman? A Yes, sir.
Q Are you claiming as a citizen by intermarriage? A Yes, sir.
Q What is your husband's name? A Dennis Hood.
Q Is he a Cherokee citizen? A Yes, sir.
Q How long has your husband been living in the Cherokee Nation?
A He has been living in here since he was ten years old.
Q How old is he now? A Twenty-six.
Q Where was he before that? A He was in Arkansas.
Q Do you know is he was admitted to citizenship? A Sir?
Q Do you know is he was readmitted after he came back from Arkansas?
A When we went to the Dawes Commission at Sallisaw he was rejected but they enrolled him afterward.
Q When were you married to Dennis? A I was married to him in '97.
Q Had you been married to anyone before that? A No, sir.
Q Are you sure '97? A Yes, sir.
Q How many years ago has it been? A Five years ago the 26th of last September.
Q Are you sure he is enrolled? A At Sallisaw they counted them all out, but afterward he was enrolled.
Q You say you had never been married to anybody except Dennis Hood?
A No, sir.
Q Had he ever been married before? A Yes, sir.
Q Was his wife dead? A No, sir.
Q Was he divorced? A Yes, sir.
Q Where was he divorced? A Either up at the Flint Court House or Sequoyah Court House, and I would not say which.
Q What was her name? A Lena Miller.
Q A white woman? A Yes, sir.
Q Are you sure he was divorced? A His name was on the books.
Q How many children have you by Dennis? A Two.
Q Are they both living? A Yes, sir, both here.
Q Husband living? A Yes, sir.
Q Been living together ever since your marriage? A Yes, sir.
Q Never been separated? A No, sir.
Q Living in the Cherokee Nation all the time? A Yes, sir.
Q You say you were married in '97? A Yes, sir, I was married the 26th day of September, '97. My marriage is on record.
Q What did the Commission tell you when you wanted to be enrolled?
A When I wanted to be enrolled at Sallisaw they said they was counting them all out.
Q Did you bring your letter? A No, I was trying to get there to the train going through and did not get here at all.

- Q You do not claim Indian blood, do you? A No, sir.
Q Never was admitted by the Dawes Commission? A No, sir, I am a Cherokee by blood, but could not prove it. I never proved it, my folks is all dead; my mother's folks. One of my children is enrolled.
Q Don't you want the other enrolled? A Yes, sir, here's the affidavit of her birth.
Q You have never made application for it, have you? A No, sir.
Q What's its name? Nettie E. Hood.
Q When was it born? A January 7, 1901.
Q That's your child by your husband, Dennis Hood? A Yes, sir.

Applicant presents a properly executed birth affidavit showing that her second child, Nettie E. Hood, by her husband, Dennis Hood, was born on the 7th day of January, 1901.

- A The other one, Lizzie Hood, they said they enrolled at Sallisaw.
Q Give me your children's names. A The oldest one is Lizzie Hood, three years old last April, and Nettie E. Hood will soon be two years old.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.



Subscribed and sworn to before me this 18th day of November, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dennis Hood and Lissie Hood as citizens by blood, and Kele Hood as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on August 9, 1900, Dennis Hood appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself and child as citizens by blood, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 11, 1901.

The evidence shows that Dennis Hood at the time of this application was 25 years of age. He was married on the 20th day of October, 1897, to one Miss E. G. Maples, a white woman. As a result of that marriage their minor child, Lissie, was born. From the evidence it appears that Dennis Hood is the son of Henry Hood and Leady E. Hood. Henry Hood is not identified on the Cherokee Authenticated Tribal Roll of 1880, and the reason given therefor is that at that time he was a fugitive from justice. It is further shown that he died in 1894. Dennis Hood is identified on the Cherokee Strip Payment Roll of 1894, also on the Cherokee Census Roll of 1896 as a native Cherokee. His marriage to his wife and the birth of the child being subsequent to the taking of the roll of 1896, they are not identified thereon.

The evidence further shows that Dennis Hood, with the exception of a temporary absence, has resided continuously in the Cherokee Nation from birth up to and including the date of this application. His wife is considered to have been a continuous resident therein since the date of her marriage, and his minor child since the date of her birth.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Daves Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;—"

An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329

to 224 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood who may marry Cherokee by blood, Delaware, or Shawnee by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed.

It is, therefore, the opinion of this Commission that the application for the enrollment of Emma Reed as a citizen by intermarriage should be denied, and that the application for the enrollment of Emma Reed and her minor child Emma Reed, as citizens by blood of the Cherokee Nation should be granted, and it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.


 L. R. Ricketts
 Commissioner.

Dated at Muskogee, Indian Territory,
 this OCT 27 1902

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COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 98.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, rejecting the application of Dennis Hood for the enrollment of his wife Zele Hood, as a citizen by intermarriage, and granting his application for the enrollment of himself and his minor child, Lizzie Hood, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed 15 days from date hereof in which to file such protest as you desire to make against the enrollment of Dennis and Lizzie Hood. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Acting Chief Charge.
Commissioner.

Enclosure C. No. 98

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 98.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

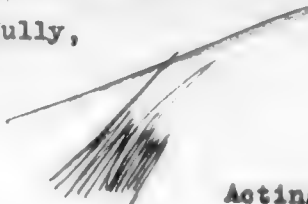
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date October 27, 1902, granting the application of Dennis Hood for the enrollment of himself and his minor child, Lizzie Hood, as citizens by blood, and rejecting his application for the enrollment of his wife, Zoie Hood, as a citizen by intermarriage, of the Cherokee Nation, a copy of which decision was furnished you on October 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE

ALLISON W. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-98

Muskogee, Indian Territory, January 7, 1903.

W. A. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 27, 1902, granting the application of Dennis Hood for the enrollment of himself and his two minor children, Lizzie and Nettie E. Hood as citizens by blood of the Cherokee Nation, and rejecting his application for the enrollment of his wife, Zoie Hood, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 20, 1902.

Respectfully,

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

W. W. Hastings,

Muskogee, I. T.

IN THE MATTER OF THE APPL

Garrison Hood & al 1901

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A-Original testimony-August 4, 1901
- B-Memo of application " 4, 1901
- C-affidavit of Leacy A. Carter
- D-Birth affidavit-Lizzie Hood
- E-Supplemental testimony February 11, 1901
- F Notice of final consideration
- G Order closing testimony, Feb. 17, 1902

Cher D 99

Cher D 99

Approved and signed by the Commission on August 13, 1900.

Commissioner of the General Land Office, Department of the Interior, Washington, D.C.

[Signature]
Commissioner

[Signature]
Assistant Commissioner

Commissioner:

For the purpose of the survey of the land of the Five Civilized Tribes, the following is the report of the Surveyor General of the Territory of Oklahoma, dated August 13, 1900.

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 13 1900

20 94

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6th, 1900.

In the matter of the application of Joseph Pardue for the enrollment himself, his wife, Martha, and his children, as Cherokee citizens, being sworn and examined by Commissioner Goodland, testifies as follows:

- Q What is your name? A Joseph Pardue.
Q What is your age? A Sixty-three.
Q What is your post-office address? A Blackman.
Q Are you recognized as a citizen of the Cherokee Nation by blood?
A Yes sir.
Q For whom do you apply here? A Just myself and wife.
Q What district do you live in? A Illinois at the present time.
Q How long have you lived there? A I moved up there last fall.
Q Where did you live before that? A Sequoyah.
Q How long did you live in Sequoyah? A I lived off and on ever since 1861, ever since the War.
Q Have you lived out inchoately in the Cherokee Nation? A Yes sir, more or less; I went out on a trip and back; my home was always in the Cherokee Nation.
Q You never established your residence outside the Cherokee Nation did you, anywhere? A No sir.
Q What proportion of Cherokee blood do you claim? A Quarter.
Q What is your wife's name? A Martha A.
Q How old is she? A Thirty-six.
Q Is she a citizen by blood? A No sir, white woman.
Q When did you marry her? A About twelve years ago.
Q What is your father's name? A Greenberry Pardue.
Q Is he living? A No sir, he has been dead a long time.
Q Was he a citizen by blood? A No sir.
Q What is your mother's name? A Rachel, she died in '61.
Q Was she a citizen by blood? A Yes sir.
Q Have you any evidence of marriage? A No sir, not with me; my wife has got it with her people; she has gone to Mexico with her people.
Q You and her living together? A Yes sir, we have been living together.
Q Where has she gone, on a visit? A No, she has gone with her people, her mother, her mother lives in Mexico.
Q When did she go? A She has been gone two years.
Q Was she living here in 1898? A Yes sir.
Q Was she here on the 28th day of June 1898? A Yes sir.
Q Has she gone to live permanently in Mexico? A No, she can't leave her people; her mother is sick and blind. I went out there and staid while with her, and come back.
Q Was she a Mexican? A No sir, she is a white woman.
Q Have you any children under twenty-one years of age? A No sir.
Forced by Cherokee Representative Hastings.
Q Is this the first time she has ever been in Mexico? A Yes sir.
Q She left about two years ago? A Yes sir, last June was two years ago, the first day of last June two years ago.
Q On the first day of June, 1898, she left for Mexico? A Yes sir.
Q You have just sworn that she was here on June 28th 1898?
A I didn't understand you.
Q There was no difficulty between you and your wife? A No sir.
Q She has joined the Mexicans hasn't she? A No, she went with her people, they are Mexicans; they joined the Mexicans here and she went there.
Q And she joined them too? A I guess after she got there she did.
Q Is she coming back? A She said she was.

Q When do you expect her back? A I couldn't tell you any-
thing about it.
Examined by Commissioner Needham:
Q She has never been here since she went away? A No sir.
Q Her mother is blind and she wouldn't know how and leave her mother.
Q Her mother was blind when she left home? A Yes sir, couldn't
see her way.
Q Her mother has got other people out there hasn't she? A Her
father is out there, and brothers.
Q Have you ever moved out there? A No sir.
Examined by Charlotte Rep's Hastings:
Q How long did you stay out there? A I staid there from
October to February.
Q In what year? A I went with them winter there and come back
in February.
Q If you went with her and she went the first day of June, and
you said you went there in October? A We left here the first
day of June and it took us until October to get there, and I staid
there until the 14th of February and I come back here on the train,
and I have been back here ever since.
Q Have you got any property there? A I have got a farm, a claim.
Q Do you live on it? A Yes sir.
Q And cultivate it? A Yes sir.
Q How much farm? A About twenty or twenty-five acres in
cultivation.
Q When did you acquire it? A Last fall; I did some more, I
sold out.
Q When you went to Mexico you sold out? A Yes sir, sold out.
Q And when you came back you bought again? A Yes sir.
Examined by Commissioner Needham:
Q Were you here as a permanent resident on the 30th day of June
1898 or was you in Mexico? A No, I was here I reckon in 1898.
I couldn't tell you what the.
Further Examined by Charlotte Rep's Hastings:
Q You said you left here on the 1st day of June 1898 didn't you?
A I don't know as I did.
Q You said you left with your wife? A Two years ago.
Q On the first day of June? A Yes sir.
Q You said you left with your wife? A Yes sir.
Q You said she left here on the 1st day of June 1898? A I
don't know what year it was, it was two years in at June, I left
here then, and come back in February afterwards.
Q You say you sold your place, property etc. when you started out
there with your wife? A Yes sir.
Q You didn't like it out there, and you came back? A I liked
it well enough, but I came back.
Examined by Commissioner Needham:
Q You didn't intend to come back when you left? A I don't
know whether I did or not.
Q When are you going back to Mexico? A I don't know that I
will ever go back.
Q And you don't know that you want? A No.
1890 roll, page 714 #1010 Joseph Pardue, Sagadahok District.
1896 roll, page 880 #1462 Joseph Pardue, Illinois District.
1904 roll, page 884 #1022 Joe Pardue, Sagadahok District.
1906 roll, for wife, page 884 #137 Martha Pardue, Illinois Dist.

Examined by Needham: The next of Joseph Pardue appearing upon the
authenticated roll of 1890 as well as the census roll of 1890 and
the pay roll of 1894, from his testimony it appears that he returned
from the Cherokee Nation on or about the first day of June 1898,
selling his property, accompanying with his wife to Old Mexico, but that

Joseph Verdim et al

he returned in February 1900; doubts being in the mind of the commission as to his residence, final judgment as to his application will be made, and his name will be placed upon a doubtful card.

The name of his wife appears upon the census roll of 1890; he presents no marriage certificate or proof of marriage as to his having been married to Martha, his wife, but swears that once in in the possession of his wife; the testimony showing that his wife, Martha, has returned from the Cherokee Nation about the first day of June 1900, and that she swears an actual residence on the 15th day of June 1900, the date of the passage of the Act known as the Curtis Bill, and has not been a resident since; his application for her enrollment is rejected.

To applicant: The Commission will decide as to your case, and you will be notified of its decision; if the decision is against you, the testimony taken will be sent to the Secretary of the Interior for the release the Cherokee Nation are concerned for his consideration.

U.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full and complete transcript of his stenographic notes in said case.

W.D. Green

Subscribed and sworn to before me this 15th day of August 1900.

[Signature]
Notary Public

0099

2007-07-10

Commissioner of the Interior
Department of the Interior
Washington, D. C.

Report of the Commission on the Affairs of the Indians
to the President of the United States
1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
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REPORT OF THE COMMISSION ON THE AFFAIRS OF THE INDIANS
TO THE PRESIDENT OF THE UNITED STATES
1902

Supl. - C.D. #99.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOSEPH PERDUE
as a citizen of the Cherokee Nation,

Applicant was notified by registered letter January 31,
1902, that his case would be taken up by the Commission on the
17th inst., for final consideration and that he would on said
date be given an opportunity to introduce any additional testi-
mony affecting his application. Receipt is acknowledged of reg-
istered letter. He has been called three times and fails to
respond, either in person or by attorney and the case is closed

T. R. Hickman

Commissioner.

J.O.R.

Cherokee D-99.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Perdue
for enrollment as a citizen by blood of the Cherokee Nation.

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ORDER.

The record in this case shows that on August 8, 1900, Joseph Perdue appeared before the Commission at Sallisaw, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. The application also included his wife, but she is differently classified and is not embraced in this order.

The evidence shows that the applicant, Joseph Perdue, has died since the date of the application herein, and prior to September 1, 1902.

It is, therefore, ordered by this Commission that the application for the enrollment of Joseph Perdue be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WITNESSED.

James H. Pritchard
Acting Chairman.

WITNESSED.

W. H. Seelye
Commissioner.

WITNESSED.

W. H. Seelye
Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 12 1902

CPR

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 99.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 12, 1902, dismissing the application of Joseph Perdue for the enrollment of himself as a citizen by blood of the Cherokee Nation, who died on or about the 20th day of March, 1901.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.
Acting Chairman.

Enclosure H. No. 22.

~~Head~~ 99
IN THE MATTER OF THE APPLICATION OF

Joseph Perdue

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 8, 1900

B. Name of application " 8, 1900

C. Notice of final consideration

D. Sustained letter notifying
applicant to appear before Court.

E. Order closing testimony, Feb. 17, 1902

~~Perdue~~
~~Cherokee~~

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DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

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[Signature]

VERNA T. HARRIS

ENROLLMENT REFUSED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I. T., AUGUST 6, 1900.

In the matter of the application of Martha Hamilton for enrollment as a citizen of the Cherokee Nation, said Hamilton being sworn by Commissioner Hedges, testified as follows:

- Q What is your name? A Martha Hamilton.
Q Your age? A 37.
Q Your postoffice? A Sallisaw.
Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A Yes.
Q Have you ever been enrolled by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.
Q Does your name appear upon the tribal rolls of the Cherokee Nation? A It has appeared there.
Q Does it appear now? A I suppose so, it has been there.
Q What district do you live in? A In this district, Sequoyah.
Q How long have you lived there? A About 4 months.
Q Where did you live before that? A Cooweescoowee district.
Q How long have you lived there? A 15 years.
Q Have you lived continuously in the Cherokee Nation for the last 15 years? A Yes, was born and raised here.
Q What is the name of your father? A Jack Simons.
Q Is he living? A No sir.
Q Where did he die? A In the Cherokee Nation.
Q Was he a recognized citizen? A Yes.
Q When did he die? A Before '80.
Q What is your mother's name? A Agnes.
Q Is she living? A No sir.
Q Was she a citizen of the Cherokee Nation? A Yes.
Q When did she die? A Before '80.
Q Does your name appear upon the '80 authenticated roll of the Cherokee Nation? A Yes.
Q Does it appear upon the '94 strip-payment roll? A No sir.
Q Does your name appear upon the '96 roll? A No sir.
Q What proportion of Cherokee blood do you claim? A 1/2.
Q Are you married? A I am a widow.
Q Have you any children? A No sir.
Q Your name in '80 was Simons? A Yes.
Q When were you married? A I was married after '80.

The authenticated roll of '80, the census roll of '96, and pay-roll of '94, being thoroughly examined, the name of Martha Hamilton does not appear thereon.

Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the Act of Congress approved May 31, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

The Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 24th day of August, 1900,
at Fort Gibson, I.T.

C. A. Shuler
Commissioner.

2100

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

Copy of letter to the
Commissioner of the Civil Service,
Washington, D. C., August 8, 1900.

In the latter part of the examination of the witness for information as a witness by blood of the Cherokee Nation, being sworn and directed by Commissioner Needles she testifies as follows:

Q What time did you go to the bank on the 27th? A I went to the bank on the 27th, I was twenty-seven or twenty-eight going on twenty-eight. (A plaintiff is decided to be at least thirty-seven years old.)

1. James M. Smith in 1903. A. Smith, Marston.
2. James M. Smith in 1903. A. Smith, Marston.

W. T. is now post-office address: A. Wilson, in the Chicago
Station, room at Chicago; I am going to move here to Chicago.

1. I have been living

CONFIDENTIAL

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[illegible]

...and did not draw in 1977. It's on the table.

Don't you remember me? A young man from New York City, I dropped
down at your feet and enfolded him in my arms. He said, "I was

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of the above group in 1947 was 100% and in 1948, 100%.

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C. The district was given under West. name. In 1870 it was sold
to the United States Government by the State of New York.

[illegible]

10. Plaintiff's proposed application to the City Planning Commission in 1986

Q. I didn't ever ask them to enroll in the A. I never thought of such a thing; I had no way to go to the Bureau Commission in 1970, they would immediately be in the line of fire.

There are no business to go to from the Bureau.

[illegible]

What proportion of the population is black? A About half

Your father was a white man. A. My father was a half-breed
black man and my mother was a white woman.

My mother was old Willie Bledington's niece; she died before father

His mother was old Willie Johnson's niece; she died when eighty, six years.

Martha Hamilton #2

Q Who were you living with in eighteen A Living with my brother on Bacon Fork.

Com'r Needles: Upon examination of the rolls of 1890 and 1896 and 1894 the name of the applicant cannot be found; she avers that her name is on the pay roll of 1893; as that roll is not now in the possession of the Commission, judgment as to her admissibility will be suspended and her name will be placed upon a doubtful card.

M.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M.D. Green

Subscribed and sworn to before me this 13th day of August 1900.

[Signature]

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application for enrollment of Martha Hamilton on D-card 100, Caty Smith being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Caty Smith.
Q Your age? A 44.
Q Your postoffice? A Webbers Falls.
Q Are you married? A Yes.
Q What is your wife's name? A Martha.
Q What was her maiden name? A Simmons.
Q Is she a Cherokee by blood? A Yes.
Q What was her father's name? A Honey Simmons.
Q What was her mother's name? A Mary.
Q Is your wife's name upon the roll of '80? A Yes.
Q How is it upon that roll? A As Martha Simmons.
On '80 roll, page 46, number 1291.
Q How old is your wife? A She claims to be 38, about 38.
Q That you make her 18 in '80? A Yes, I guess so.
Q Did you know a Jim Simmons who once lived in Canadian district-- he was killed by some one? A Yes.
Q Who killed him? A Jack Davis.
Q Was that Jim Swimmer a recognized citizen of the Cherokee nation?
Q I don't know his family were Cherokees.
Q Do you know whether he was recognized? A They claimed he was a negro. He was no citizen-- I could not tell you anything about him.
Q Was his wife a citizen and family? A Yes.
Q Do you know whether he had a son by the name of Jim Simmons? A No, I don't recollect what his name was.
Q Did you ever know another Martha Simmons in that district? A No sir.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and complete transcript of his stenographic notes thereof.

Benson McDaniel
Subscribed and sworn to before me this 11th day of September,
1900.

C. A. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application of Carty Smith for the enrollment of himself, wife and six children as citizens of the Cherokee Nation, said Carty Smith being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Carty Smith.
Q Your age? A 44.
Q Your postoffice? A Webbers Falls.
Q Are you a Cherokee citizen by blood or adoption? A By blood.
Q What degree of blood do you claim? A one-quarter.
Q What district do you live in? A Canadian.
Q How long have you lived there? A All my life.
Q Whom do you apply for? A Myself, wife and 6 children.
Q What is your father's name? A Cabin Smith.
Q Is he living? A No sir.
Q Was he a Cherokee Indian by blood? A Yes, full-blood.
Q What is the name of your mother? A Liza.
Q Is she living? A No sir.
Q Was she an Indian by blood? A Yes.
Q Did they both die since '80? A Before that.
Q What is the name of your wife? A Martha.
Q Her age? A 38.
Q Is she an Indian by blood? A Yes.
Q When were you married to her? A '80.
Q What was her name before you married her? A Simons.
Q Her father and mother both dead? A Yes.
Q Did they die before '80? A Yes.
Q What are the names of your children? A Kiahua, 19 years old.
On '96 roll, page 65, number 1784.
Q Next? A Elizabeth, 12 years old.
On '96 roll, page 65, number 1785, as Lizzie.
Q Next? A Famous, 10 years old.
On '96 roll, page 65, number 1786.
Q Next? A Juney, 6 years old.
On '96 roll, page 65, number 1787.
Q Next? A William H., 3 years old.
Q Next? A Samuel, 4 months old.
Q Are these children all alive and living with you? A Yes.
Applicant on '80 roll, page 46, number 1285.
On '96 roll, page 65, number 1782.
Applicant's wife on '80 roll as Simmons, page 46,
number 1291.
On '96 roll, page 65, number 1783.
The name of Carty Smith appears upon the authenticated roll of '80 as well as the census roll of '96. His wife, Martha, appears upon the authenticated roll of '80 as Martha Simmons, her name before her marriage to Carty Smith. The names of his children, Kiahua, Elizabeth, Famous, Juney appears upon the census roll of '96, and he presents satisfactory proof of birth as to William H. and Samuel, his two children born after the rolls of '96 were compiled. They all being fully identified according to page and number as indicated in the testimony, and having made satisfactory proof of residence, will all be listed by this Commission as Cherokee citizens by blood.

Early Smith et. al. #1.

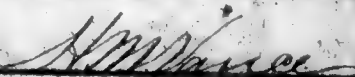
The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Brown McDonald

Subscribed and sworn to before me this 11th day of Sept. 1900.

(Signed) G. R. Breckinridge,
Commissioner.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original testimony.



Subscribed and sworn to before me this 24th day of June, 1902.



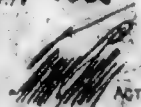
Notary Public,

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

Handwritten notes:
J. M. [unclear]
[unclear] [unclear]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PORT GIBSON, I. T. ? AUGUST 25, 1900.

In the matter of the application of Martha Hamilton for enrollment as a citizen, by blood, of the Cherokee Nation.

Commissioner Needles:

The Judgment in this case, which the application for enrollment was refused, is hereby vacated and declared void. Supplemental Judgment, suspending final judgment, placing her name upon a doubtful card. This will be considered as an actual Judgment of the Commission.

I, John O. Rosson, being first sworn, say that as stenographer to the Commission to the Five Civilized Tribes, I reported the above judgment in the matter of the application of Martha Hamilton for enrollment as a citizen of the Cherokee Nation, and that the above and foregoing is a full, true and correct transcript of my stenographic notes.

John O. Rosson

Subscribed and sworn to before me this 27th day of August, 1900.

C. M. Brewster

Commissioner.

Supl.-C.D.#100.

Department of the Interior
Commission to the five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the application of MARTHA HAMIL-
TON as a citizen of the Cherokee Nation;

Applicant and her attorney, Robert Teemer, Muskogee, In-
dian Territory, were notified by registered letter January
31, 1902, that her case would be taken up for final consid-
eration by the Commission on the 17th inst., and that they would
on said date be given an opportunity to introduce any addition-
al testimony affecting this application. Receipt has been ac-
knowledgeed of the registered letter. The applicant and her
attorney have been called three times and fail to respond, and
the case is closed.

C. R. Pickens

Commissioner.

J.O.R.

R.
Cher. D-100.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1903.

In the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

Appearances:

D. M. Wisdom, attorney for applicant.

SARAH E. MANN, being first duly sworn, and being examined, testified as follows on behalf of applicant.

BY COMMISSION: What is your name? A Sarah E. Mann.

Q What is your post office address? A Muskogee.

Q How old are you? A Thirty-five.

Q Are you acquainted with the applicant in this case, Martha Hamilton? A Yes sir.

Q How long have you known Martha Hamilton? A About sixteen or seventeen years.

Q Where have you known her? A At Tulsa, Indian Territory.

Q Are you a citizen of the Cherokee Nation? A Of the Creek Nation

Q You are a citizen of the Creek Nation? A Yes sir.

Q How long did you know Martha Hamilton at Tulsa? A I have known her about sixteen or seventeen years. I lived there-- I don't know, about ten years, I guess.

Q Did she live in Tulsa? A She lived in the Cherokee Nation on a farm.

Q Tulsa is right near the line of the Cherokee and Creek Nations, is it? A Yes sir, part of Tulsa is in the Cherokee Nation.

Q Her post office, though, is Tulsa? A Yes sir.

Q She came there to town frequently? A Yes sir, she works in town there frequently a good deal.

Q How old a woman is Martha Hamilton, would you judge?

A Really I don't know. She must be about forty years old, somewhere.

BY MR. WISDOM: She is older than you are? A She is a good deal older than I am.

BY COMMISSION: Did you know her father and mother? A No sir, I didn't know her father and mother.

Q She was a grown woman when you first became acquainted with her? A Yes sir.

Q Where does Martha Hamilton live now? A She is working here in town somewhere, I think.

Q Here in Muskogee? A Yes sir.

Q How long, if you know, has she been here in Muskogee? A I really don't know. She was at my house about six months ago, I think, along in the fall some time. She was working here then. I have only seen her once since then. I met her here on the street.

Q Has she lived in the Indian Territory all the time for the last sixteen or seventeen years that you have known her? A Yes sir.

Q You have seen her frequently? A Yes sir.

Q Do you know anything about her being enrolled as a Cherokee?

A No sir, I don't know that she is enrolled as a Cherokee. She claimed to be a Cherokee citizen, and had a farm there, and I never heard it disputed. Every one spoke of her as a Cherokee citizen.

Q You don't know anything about her relatives? A No sir, I know her brother.

Q What is her brother's name? A Jim Simmons.

Q How old a man is Jim Simmons? A He is dead now. I don't know, he was older than her, I think. He was a grown man when I knew him.

D-100--2.

Q How long has he been dead? A As well as I remember, he has been dead about ten years. I would not be sure, but I think it is along about that.

Q Did you know whether she had any other brother or sister?

A No sir.

Q Never heard her speak of them? A Yes sir, I heard her ~~any~~ speak of having relatives down close to Tahlequah, and I think she had some relatives down close to--down here by the Falls.

Q Webbers Falls? A Yes sir, across the river there. I know that is where she went. While she was gone someone broke into her house and stole a feather bed and a lot of her things. She lived on a farm, and when she came back some one had stolen her feather bed. She said she had been visiting some of her relatives down there. I don't remember whether it was her sister or not.

Q Where was her brother living, Jim Simmons, at the time of her death? A Tulsa.

Q In the Cherokee or the Creek Nation? A In the Cherokee Nation.

Q Do you know what district in the Cherokee Nation that is?

A No sir, I don't.

Q Tulsa is northwest of here? A Yes sir, it is just half a mile north of the Arkansas River.

Q Is that in what is known as Cooweescoowee District?

A Really, I don't know.

Q How long did you know Jim Simmons before he died? A I must have known him five or six years, something like that.

Q Did he always live up there, when you knew him? A Yes sir, from the time I moved to Tulsa myself he was living there, and he stayed there till he died.

Q You never knew where he lived, what district he lived in, ~~at~~ in 1880, did you? A No, I don't, in 1880, no.

This case will be continued until after the opening of the Land Office at Tahlequah for the taking of testimony there, for the purpose of further identifying this applicant.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, Cherokee Doubtful Card No. 100.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission he recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 16th day March, 1903.

Edward M. Smith
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of
MARTHA HAMILTON as a citizen by blood of the Cherokee Nation.

APPEARANCES; Applicant appears in person and by Robert
Toomer, attorney.
No appearances on behalf of the Cherokee Nation.

Sarah E. Mann being first duly sworn testified as follows:

By Mr. Toomer:

Q Is your name Sarah E. Mann? A Yes sir.

Q Are you the same witness who testified in this case on the 14,
of March, 1903? A Yes sir.

Q Did you know Martha Hamilton at the time of the Cherokee payment
in 1880? A I knew her at one time of the Cherokee payment, I don't
know whether it was 1880 or not. I don't remember the year.

Q Do you know whether or not that she drew money as a Cherokee
citizen at that time? A I wasn't with her but she went away and
had money she said she drew at that time.

Q Do you know her condition at that before that payment? A She
was working out for her living.

Q Did she have any money? A None that I knew of.

Q After the payment and after she came back did she have plenty of
money? A She had plenty of money.

Q Was it understood that she drew money as a Cherokee citizen?

A Yes sir. Every one spoke of her as drawing money and having money
after the payment.

Q I understood you to say she had plenty of money? A She had plen
plenty of money after she come back.

Q Do you know how Jim Simmons come to his death? A I don't know,
I heard he was killed, that was all.

Q Do you know where it was reported he was killed? I don't remember
now, I have forgot; I heard them speak of it several times but I
don't remember now.

By the Commission:

Q This payment you speak of Mrs. Mann, wherein Martha Hamilton drew
money, about how many years ago do you think that was? A I can't
tell; it has been quite awhile ago.

Q Do you think as much as 20 years ago? A Well, hardly.

Q Whereabouts did she draw this money? A I don't know; she said
she went to Tahlequah.

Q Do you know who was making the payment over there? A No, I don't
know. I did but have forgotten now.

Q The person you speak of under the name of Jim Simmons, is that a
brother of Martha Hamilton? A Yes sir, they claimed to be brother
and sister; every one knew them as brother and sister.

Q Well, did you know anything about her brother, about his
Cherokee citizenship, whether he drew any money? A No, only that
he and her went together.

Q Did she tell you how much she drew? A I don't remember whether
she did or not.

Q Where does Martha Hamilton live now? A I suppose she stays here
in Muskogee, she says she does; I haven't seen her for quite awhile
until last week.

Q How long have you known her? A I don't know; I suppose it has been 20 years.

Q Have you ever known her to live any place except in the Cherokee Nation, Cherokee or Creek Nations? A Never have until she has been staying here in Muskogee. She had a farm there in the Cherokee Nation and would go and work out in town.

Q Do you know anything about her owning a farm in the Cherokee Nation now? A She ought to own it but I guess they have about taken it away from her.

Q Do you know whether or not she drew any money since that payment 20 years ago? A No, I don't.

Q You don't know of your personal knowledge? A I No, I do not.

By Mr. Toomer:

Q In your testimony given in March 1903, you state to have been acquainted with Martha Hamilton about 16 years? A Well, I must have known her longer than that, because I knew her before I was grown.

Q Well, you are sure you knew her at the time this payment was made of which you speak? A I knew her at one payment, I don't know which one, but I remember she went away and come back with money.

Q Do you know any colored people, Cherokee freedmen, by the name of Simmons? A I don't know whether they are freedmen or not, but I know some colored people by the name of Simmons, a man by the name of Jim Simmons. They are citizens of some kind I know, but I don't know what.

Martha Hamilton being first duly sworn, testified as follows:

By Mr. Toomer:

Q What is your name? A Martha Hamilton.

Q What is your postoffice address? A At this present time it is Muskogee.

Q About how old are you Mrs. Hamilton? A I was born in 1867.

Q Are you the individual who was enrolled as a Cherokee by the name of Martha Simmons? A I was enrolled by the name of Martha Simmons in 1880; at that time I were a girl and my name was Martha Simmons and I was enrolled as Martha Simmons by John Hicks.

Q Did you have a brother by the name of Jim Simmons? A Yes sir.

Q Is he living? A No sir.

Q How did he come to his death? A Jack Davis killed him.

Q Whereabouts? A Not far from Porum's Gap, Canadian district, Cherokee Nation.

Q Did you draw money from the Cherokee Nation as Martha Simmons? A Yes sir, I did in 1880.

Q Did you ever draw any money as Martha Hamilton? A In 1883 I drew a widow, Martha Hamilton.

Q Do you own a farm in the Cherokee Nation? A I owned a farm in the Cherokee Nation in Coowescoowee district, two and one-half miles north of Tulsa, on Pool creek on the Coffeyville road.

Q How long did you occupy that place? A It has been more than 18 years since I planted my farm north of Tulsa in the Cherokee Nation.

Q Was there ever any question raised as to your citizenship as a Cherokee until you asked this last enrollment? A That is the first.

By the Commission:

Q What was the first money you remember of drawing from the Cherokee Nation? A Bread money and Aid money.

Q Do you remember when that was? A That was the year before the-- that has been about 26 years ago, about 2 years before 1880.

Q How much did you draw at that time? A I have forgot.

Q When was the next payment? A 1880 as I remember.

Q How long did you go by the name of Martha Simmons? A I went until I was married, betwixt 1880 and 1883.

Q Where was you living at the time of this payment? A Coody's Bluff.

Q In what district is Coody's Bluff? Cooweescoowee.

Q When was the next payment you remember of drawing before after 1883? A It was 1885 and 1886.

Q You drew money in both these years? A Yes sir, it is on both these rolls how much I drew.

Q How long did you live in Cooweescoowee district, Mrs. Hamilton?

A I lived from--- I moved from Barren Fork to Coody's Bluff before I was married; I lived there four years before I was married.

Q Did you draw what was known as the strip payment? A No, I did not.

Q What was the reason you did not draw this money? A I was sick.

Q Where were you living? A I was living on my farm at Tulsa, Cherokee Nation.

Q You don't know whether your name is on the 1880 roll or not, do you Mrs. Hamilton? A 1880?

Q Yes? A It ought to be there if it is not.

Q At the time of the making of the 1880 roll you were living in Cooweescoowee district? A Yes sir, Coody's Bluff.

Q Do you know whether your name is on the 1896 census roll or not?

A I know I drew money, but of course I don't know any more.

Q The 1896 roll was a census roll made by the Cherokee authorities and do you remember whether you enrolled, or tried to enroll in 1896, 8 years ago? A My name was enrolled for payment, and of course I remember of getting my money.

Edward Crowell, being first duly sworn, testified as follows:

By Mr. Toomer:

Q What is your name? A Edward Crowell.

Q What is your postoffice address? A Tulsa.

Q How old are you Mr. Crowell? A 59.

Q Do you know Martha Hamilton? A Yes sir.

Q Is that her? (Pointing to applicant) A Yes sir.

Q How long have you known her? A 18 or 20 years.

Q Where did she live when you first knew her? A Near Tulsa.

Q Who did she live with then? A Her and her brother lived together.

Q What was his name? A I don't remember his name now.

Q Would you remember it if it was called to you? A Yes sir.

Q Was it Simmons? A Yes sir.

Q Was it Jim Simmons? A I don't know that.

Q How close did they live to you? About two miles and a half.

Q How long did they live that close to you? A It must have been 8 or 10 years.

Q Was Jim Simmons a Cherokee? A He said he was.

Q Was there ever any question about his being a Cherokee? A I never heard any.

Q Was he recognized as a Cherokee? A Yes sir.

Q Do you know what became of Jim Simmons? A I heard he died, I can't know.

Q Do you know anything about how he come to his death? A No sir.

Q Did Martha Hamilton here live with him there? A They made a place there; he stayed with her quite awhile, and then he worked up there in town for Perryman.

Q Do you remember whether Martha Hamilton drew money at the Cherokee payment? A I don't know it; I only heard that she got the money.

Q Do you know any circumstances that would leave you to believe that she did get the money? A Well, we think that she got it on account of her being in better circumstances and buying some town property there.

Q After the payment? A Yes sir.

Q It was an understanding in the neighborhood that they were Cherokees and drew the money? A They passed for Cherokees; they made a great big farm there.

Q How long did they live on that farm? A I don't remember exactly, it must have been 8 or 10 years after the brother left before she moved up town.

Q Do you remember whether Jim ~~Still~~ Simmons died a natural death or was killed? A No, I don't; I don't think I was in the country when he died.

Q Do you know of any other Jim Simmons up in there? A There was two men near there more, one was a negro and the other was a white man.

Q You never knew of any other Jim Simmons that was a Indian except the brother of this woman? A No.

Q Have you any interest in this case at all? A None at all.

By the Commission:

Q You are certain it was the 1880 payment that this party drew at the time she bought the town property shortly after, are you?

A Yes sir, if she drew any money at all; it was just after that she bought the town property.

Q Did the applicant and her brother both draw money in 1880, as you understood it? A I couldn't say about that.

Q Did you ever hear it intimated or talked of, that this party and her brother were colored people? A Well, some people thought they were mixed blooded.

Q Where was the applicant living in 1880? A I don't know for sure whether she was living on the farm or had moved to town.

Q It was all in the same district wasn't it, in Cooweescoowee district? A I could not say whether she was in the Creek or the Cherokee Nation; if she was in the back end of the house she was in one Nation, and if in the front end in the other Nation.

Q You don't say you don't know how Jim Simmons, the brother of Martha Hamilton here, met his death? A No sir.

Q Was Martha Hamilton living near Tulsa when you first knew her?

A Yes sir; the first I knew of these people they were settling a place on the public domain.

By Mr. Toomer:

Q Did you ever hear of her being disturbed by the Cherokee authorities about building that place? A No sir.

Applicant, Martha Hamilton, being recalled testified as follows:

Mr. Toomer:

Q Where did you first live that you remember in the Cherokee Nation?

A Barren Fork.

Q Now where did you go from Barren Fork? A Grand Saline.

Q Do you remember how long you lived there? A I lived there until I was about 14 years of age. From there I went to Goodys Bluff, where I was married, and from there I went to where we made the farm near Tulsa.

Q Do you remember of ever living anywhere else except in the Cherokee Nation? A No sir.

Q When you married did they have any record of marriages of people in your Nation? A We just went before the clerk and got married.

By the Commission:

Q Did you ever have any other brothers or sisters than this brother Jim? A Not full brothers.

Q Did you have some half brothers or sisters? A I had one full sister, Eliza Simmons, she died.

Q What was your half brother's name? A My half brother was named William Bain.
Q Is William Bain living now? A He is dead.
Q Did your half brother, William Bain, ever draw any money from the Cherokees? A I don't know.
Q You didn't know whether he is on any of the rolls or not? A No, I don't.
Q What was your father's name, Mrs. Hamilton? A My father was named Jack Simmons.
Q What was your mother's name? A Agnes.
Q When did your father die? A Died when I was quite small. My mother died when I was a right small girl.
Q Was your father a Cherokee? A Half white and half Cherokee.
Q And your mother, what blood was she? A Half white and half Cherokee.

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Louise Smith, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Louise Smith

Subscribed and sworn to before me this 7th day of September, 1904.

W. J. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears in person and by Attorney, R. L. Toomer.
Cherokee Nation, no appearance.

The following testimony is taken on behalf of the applicant without notice to the Cherokee Nation and subject to a recall by the Attorneys for said Nation.

DEWIT C. WILSON, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A DeWit C. Wilson.
Q What is your age? A 44.
Q What is your post office address? A Tahlequah, Indian Territory.
Q Are you acquainted with the applicant in this case, Martha Hamilton? A Yes sir.
Q How long have you known her? A I have known her for 20 years.
Q How old is she? A I don't know she is over 45 years old, I think she is older than I am.
Q Do you know whether or not she is a Cherokee by blood? A No sir I don't know whether she is or not.
Q Where has she resided during the time you have known her? A She was at Tahlequah when I knew her.
Q Was she living there? A She was making that her head-quarters, she has been at Tahlequah a good many times but it was in Tahlequah where I knew her.
Q Were you acquainted with her father and mother? A No sir don't know anything about her father.
Q What District in the Cherokee Nation is Tahlequah in? A Tahlequah.
Q Did you know her prior to 1880? A No sir, it was in the early 80's when I first recollect Martha.

BY MR. TOOMER:

- Q Do you know of her drawing money there at the Cherokee payments?
A Martha used to talk a great deal about the money that was due her in the Cherokee payment and come in the store where I had been working for a number of years, and she had some money and she told me she had drawn that money from the Treasurer of the country.
Q She was not taken as an Indian? A She must have been taken as and Indian if she drew that money or she would not have drawn it, she stayed in that town and lived around there.
Q Does she look like an Indian? A Yes sir she looked like an Indian, she always said she was an Indian.
Q From her personal appearance about what degree of Indian blood would you think she had? A From her appearance she is dark enough to be nearly a full blood.
Q Are you a Cherokee by blood? A Yes sir.

- Q Were you raised in the Tahlequah country? A Yes sir born and raised in Tahlequah.
- Q During the time of your acquaintance with Martha Hamilton did you ever hear of her Indian blood being questioned until this enrollment? A I have heard something about Martha's having some difficulty about getting on the roll in that country, but not enough to give you any definite information. Got more from her than anybody else.
- Q Lately? A Here lately I have heard she had some trouble about getting on the roll before the Dawes Commission.
- Q Did you know her maiden name? A I have known her mostly by the name of Martha is about all I know.
- Q You don't know whether her maiden name was Simmons or not? A No sir I don't, I have known her over 20 years and I have always known her as Martha, I don't know whether it was Simmons or not, I have seen her a good many times.

BY THE COMMISSION:

- Q Do you remember at what time she claims to have received money? A It must have been along about 1883, it has been fully 20 years since I remember her and I have been in this firm selling goods ever since 1879, and I think it must have been about that year.
- Q Do you know anything about the procedure they followed in making those names to those entitled to receive money? A They only enrolled those they knew to be citizens.
- Q And where they received money their names appeared on the roll? A Yes sir.
- Q When the money is received it is receipted by you signing the rolls? A I suppose so I have drawn money, but I don't remember whether I have signed or not.
- Q But you have drawn money? A Yes sir.
- Q Then if she did draw money in 1883 her name would appear on that roll? A Yes sir it would be on that roll.

BY MR. TOOMER:

- Q Martha Hamilton may have drawn this money under the name of Martha Simmons at the time you speak of? A She may have done so, I don't know what name she would have drawn under, I remember her telling me where she got her money.

BY THE COMMISSION:

- Q Do you know where Martha has been living since you first knew her? A No sir, I don't know I have seen her several times during the 20 years but I don't know where she has been.
- Q You know whether or not she has been living in Tahlequah continuously? A She hasn't, no sir, she lived in Tahlequah quite awhile this past year.
- Q How do you judge Martha to be when you first knew her? A I don't know she was a grown woman then and that has been over 20 years ago.
- Q Can you give any definite idea as to about what her age was at that time? A 20 years ago she must have been fully 25 or 30 years old then, she was a older woman than I am a man, and that has been 20 years ago, I had no occasion to think about her age.

-----cOo-----
H. M. Vance being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of February, 1908
H. M. Vance
Notary Public.

964

Cherokee D 100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Martha Hamilton as a citizen by blood of the Cherokee Nation.

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D E C I S I O N .

IT APPEARS FROM THE RECORD HEREIN: That, on August 8, 1900, Martha Hamilton appeared before this Commission at Ballisaw, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on August 22, 1900, and at Muskogee, Indian Territory, on March 14, 1903, September 6, 1904, and October 21, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That Martha Hamilton, who is identified on the 1883 Cherokee census roll, is a Cherokee by blood, and has resided continuously in the Cherokee Nation from the date of her birth up to and including September 1, 1902.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Martha Hamilton should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

John Hixby

Chairman

T. B. Needles

Commissioner

J. B. Brockinridge

Commissioner

Muskogee, Indian Territory,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARTHA HAMILTON as a citizen by blood of the Cherokee Nation.

Cherokee D 100.

Protest on behalf of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the commission of date June 30, 1905, enrolling Martha Hamilton as a citizen of the Cherokee Nation, and asks that the same be forwarded to the Secretary of the Interior for review.

The decision recites that the name of Martha Hamilton appears upon the 1883 Cherokee census roll. This the representative of the Cherokee Nation denies, and we appeal to the Department to make an investigation of this record to see if it discloses that the name of Martha Hamilton appears upon any roll. We contend that under the Act of May 31, 1900, the commission is without authority to receive, consider or make any record of her case. For a while she attempted to claim the enrollment of Caty Smith's wife whose maiden name was Martha Simmons and who lived in Canadian district, but the 1880 enrollment, being on page 46 No. 1291, clearly belongs to the wife of Caty Smith.

The truth is that this old woman has been a half-demented and a half negro, who has travelled over the country from place to place, always claiming, but never recognized, as a citizen of the Cherokee Nation. The records do not disclose that she drew any money in 1883, and she brings some witnesses before the Commission when the representative of the Cherokee Nation was never present to testify that she said she drew money. She brings no record to prove it, she brings no officer to prove it. True, she introduced Sarah E. Mann, not a citizen of the Cherokee Nation, but of the Creek Nation, who knows but little of her and knows nothing whatever of Cherokee citizenship, and who never heard her rights disputed. Again Sarah E. Mann is brought to her rescue and the second time at a time when the Cherokee Nation was not represented, and she testifies of some immaterial hearsay things, and among others she says in answer to this question, "After the payment after she came back did she have plenty of money?" A. "She had plenty of money." This is an outrage to the truth. The records of the Cherokee Nation disclose that only \$ were paid the applicants in 1883, and in fact \$16.35 was the greatest amount ever distributed per capita among the Cherokees until 1894. How could she have had plenty of money if she only drew for herself, provided she did draw for herself. And if she went to a payment in order to draw this money and returned, as the testimony of David Wilson tends to indicate, how much money would she have had to have made a trip over land from Tulsa, Indian Territory, to Tahlequah, Indian Territory, a distance of about 75 or 100 miles and pay her expenses while remaining there. She could not have had anything left out of this small amount. But one of her witnesses has her out of this meager sum buying a house and lot in Tulsa.

She does not introduce a single witness who testifies anything about her positively. Some of them never heard her citizenship in the Cherokee Nation questioned, but upon the other hand it is not shown that any inquiry was ever made about her citizenship.

The truth is the very fact that her name appears upon no roll shows that her citizenship was questioned. Can it be said that, even if her name appeared upon the 1883 pay roll which we deny, that a payment was made in 1886 and another in 1890 and another in 1894 and the census roll made in 1896, and her name not appearing upon any, not permitted to draw money at any of these payments, that her citizenship was not questioned? In 1894 there was distributed per capita \$265.70, the largest per capita payment ever made. She admits that she did not draw at that time, and yet she attempts to bring some residents of the Creek Nation to prove that her citizenship was not questioned in the Cherokee Nation, when their sworn statements are refuted by the records themselves which show that she was never recognized as a citizen of the Cherokee Nation.

It is contended that she owned a farm in the Cherokee Nation. This is only supported by those two witnesses from the Creek Nation, who don't live in the Cherokee Nation and never have, and inasmuch as they never heard her citizenship disputed and inasmuch as their testimony is so completely refuted upon this point by the record, we think but little weight should be given to what they say about the farm. And even if it be true that she squatted upon the public domain and leased a farm, how many thousands of intruders, never recognized as citizens, have done the same thing. This is well known to the Department and is no evidence of citizenship.

This woman claims to have lived in the Cherokee Nation all of her life. If this be true, and her name appears upon no roll, it is certainly proof positive that she was not recognized as a citizen.

We have never been present when any of the testimony taken in her behalf was heard by the commission; we never thought her case was taken seriously; we always regarded her as a half-demented, half negro, wandering woman, and with this record before us we cannot subscribe to her admission by the Commission, and we earnestly urge upon the Department this decision should be reversed and this applicant denied enrollment as a citizen of the Cherokee Nation, first, under the Act of May 31, 1900, and second, because she is not a recognized citizen of the Cherokee Nation.

Respectfully, submitted,

Attorney for the Cherokee Nation.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON A. ESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-100

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 18, 1903.

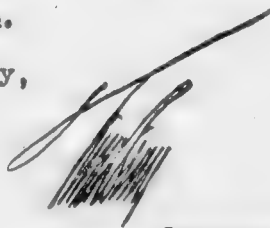
W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the testimony taken at Muskogee, Indian Territory, on March 14, 1903, in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

Respectfully,



Chairman.

Enc. M-230

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

2009

ENTER IN REPLY TO THE FOLLOWING:
Cherokee D-100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings recently had in the matter of the application of Martha Hamilton for enrollment as a citizen by blood of the Cherokee Nation, Cherokee D-100.

Respectfully,

Encl. S-87.


Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED
ENTER IN REPLY TO THE FOLLOWING:
Cherokee D-100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-89



Chairman.

(C O P Y)

Land
57053-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. August 1, 1905

The Honorable

The secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 18, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Martha Hamilton.

June 30, 1905, the Commission decided favorably to the applicant.

The record shows that the applicant, who is identified on the 1883 Cherokee Census roll, is a Cherokee by blood, and has resided continuously in the Cherokee Nation from the date of her birth up to and including September 1, 1902.

The attached protest of the Cherokee Nation has been carefully considered.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended

Very respectfully
C. F. Larrabee

Acting Commissioner

M.M.M. (W)

Land
79377-1905

(C O P Y)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

October 30, 1905.

The Honorable,

The Secretary of the Interior

Sir:

Referring to Department letter of August 25, 1905, I. T.D. 9744, with reference to the Cherokee enrollment case of Martha Hamilton, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated September 30, 1905, concerning said case. The record in this case was forwarded to the Department with office report of August 1, 1905.

The Department, by letter referred to, called the attention of the Commissioner to the Five Civilized Tribes to the statement in the decision of the Commission, to the effect that Martha Hamilton is identified on the 1883 Cherokee census roll, and to the assertion of the attorney for the Nation in his protest, that she is not identified on said roll.

The Department also called attention to the fact that but little is found in the record except the statement of the Commission, to show that the applicant's name is on the 1883 roll, and stated that in view of the direct contradiction of the most material statement in the decision of the Commission, some explanation should be made to the Department relative to the alleged an-

rollment of the applicant.

Mr. Bixby says that the name of Martha Hamilton is identified on the 1883 Cherokee Pay Roll, instead of the 1883 Census Roll; that her name appears thereon without a number and in a different handwriting from that of the majority of the names on the roll, following the name of Susie Hogshooter, No. 1014, and preceding that of Arch Horn, No. 1076, Tahlequah District; that the roll is arranged neither alphabetically nor numerically; that it is shown \$15.50 was paid to Martha Hamilton; and that the signature of the person to whom the payment was made, "Martha Hamilton", is in the same handwriting as that of John Hogshooter, to whom the money for the family in which Susie Hogshooter, No. 1014 appears, was paid, and Arch Horn, to whom the money for the family in which the name of Arch Horn, No. 1076, appears, was paid, and the signature of Wm. V. Carey, who appears to have witnessed these payments, is likewise in the same handwriting.

He also says there are several other names on the 1883 roll in the same handwriting as that of Martha Hamilton; and that opposite the names of several of the persons mentioned appear the words "added" and "added after census;" and that the certificate of D. W. Bushyhead, Principal Chief of the Cherokee Nation, dated September 24, 1883, as to the authenticity of the roll, is in the same handwriting as the unnumbered names referred to and shows that said roll is a "true copy of the census roll as taken in conformity to the law passed on the 19th day of May, 1883, and as examined and corrected by this Department."

Very respectfully,

C. F. LARRABEE
Acting Commissioner

GAW-GH

D.C. 50918-1905

(C O P Y)

I.T.D. 14352-1905

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
LLB

November 6, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of September 3, 1905, relative to the Cherokee enrollment case of Martha Hamilton.

On June 30, 1905, the Commission to the Five Civilized Tribes rendered its decision in this case in favor of the applicant. It was stated therein that her name appears upon the 1883 Cherokee Census Roll. The nation protested against the Commission's decision, alleging that this was not true, and claimed for that and other reasons that the applicant is not entitled to enrollment.

You now report that the name of Martha Hamilton is identified upon the 1883 Cherokee Pay Roll instead of the 1883 Census Roll and explain the manner in which it appears thereon.

The explanation is satisfactory, and the Department finding no reason to disturb the decision of the Commission it is hereby affirmed.

A copy of the Indian Office letter of October 30, 1905, submitting your report, is inclosed.

1 inclosure.

Respectfully
(Signed) THOS RYAN
First Assistant Secretary

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-100.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-145

Commissioner.

Cherokee

D100

Martha Hamilton

Transferred to Cherokee 10954

Cher D101

Cher D101.

2101

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1906


ACTING CHAIRMAN.



Commissioner.

Handwritten notes:
To the
Commissioner
of the
Bureau of
Indian Affairs
Washington, D.C.

Handwritten notes:
The
Commissioner
of the
Bureau of
Indian Affairs
Washington, D.C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 9, 1900.

In the matter of the application of Maggie Rust for enrollment of herself and children as citizens of the Cherokee nation, said Rust being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Maggie Rust.
Q Your age? A 34.
Q Your postoffice address? A McGee.
Q Are you a Cherokee citizen by blood? A Yes.
Q Is your name upon the Cherokee rolls? A Yes.
Q What district do you live in? A Illinois.
Q How long have you lived there? A 12 years.
Q Have you lived for the last 12 years in the Cherokee nation continuously? A Yes, was born and raised here.
Q What is the name of your father? A Joe Cromwell.
Q Is he a citizen? A No sir.
Q What is the name of your mother? A Sarah Mitchell.
Q Is she living? A No sir.
Q When did she die? A Since '80.
Q Was she a citizen by blood? A Yes.
Q Are you married? A I am a widow.
Q What was your husband's name? A My first husband was named William Garard.
Q Was he a white man? A Yes.
Q Is he living? A No sir.
Q What was your next husband's name? A Benjamin Rust.
Q Is he living? A No sir.
Q Was he a white man? A Yes.
Q Have you any children? A Yes.
Q What are their names? A Eva Garard, 13 years old.
On '96 roll, page 863, number 774, as Eva.
On '94 roll, page 776, number 715, as Evie Garard.
Next one? A Daniel, 10 years old.
On '96 roll, page 863, number 775, as Dan Garrard.
On '94 roll, page 776, number 716, as Garard ~~next~~.
Q Next one? A Major, 7 years old.
On '96 roll, page 867, number 776, as Garrard;
On '94 roll, page 776, number 717, as Garard.
Q Next one? A Alpha, 3 years old. (Garard.)
Applicant on '96 roll as Margaret Garrard, page 863, number 773;

On '94 roll, page 776, number 713, as Margaret Garard.
The name of Margaret Rust appears upon the census roll of '96 and pay-roll of '94, but upon examination of the authenticated roll of '80 her name cannot be found, consequently final judgment as to her enrollment will be suspended.

Her children by her first marriage to William Garard, now deceased, Eva, Daniel and Major, are found upon the census roll of '96 and pay-roll of '94. Her daughter, Alpha, 3 years old name is not found, she having been born since the roll of '96 was compiled, but the applicant presents satisfactory certificate of her birth. Final judgment as to the enrollment of these children will also be suspended from the fact that their mother's name is not found upon the authenticated roll of '80. She avers in her testimony that she is the daughter of Sarah Mitchell, and Sarah Mitchell's name cannot be found upon the authenticated roll of '80 by the name of Mitchell, Childers or Cromwell.

Brown McDonald, being duly sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 25th day of August, 1900, at Fort Gibson, I.T.

[Signature]

Commissioner.

RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES
AT FORT GIBSON, I.T.
AUG 25 1900

D101

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 16 1900



ACTING SECRETARY

Department of the Interior,
Commission to the Five Civilized Tribes,
Ballisaw, I.T., August 9, 1890.

In the matter of the application of Maggie Rush for enrollment
as a Cherokee citizen.

Additional testimony.

W. W. Campbell, being sworn and examined by Commissioner Needles,
testified as follows:

- Q What is your name? A W. W. Campbell.
- Q What is your age? A 84.
- Q What is your post office address? A Campbell, I.T.
- Q Are you a citizen of the Indian Territory? A Yes, sir.
- Q Do you know Maggie Rush? A Yes, sir.
- Mr. W. J. Hastings, representative of Cherokee Nation: Do you know
what her father's name was? A Crowwell, I don't know the first name.
I wasn't really acquainted with him, but I know that was his name.
- Q Are you acquainted with her mother? A Sarah Mitchell, I
believe she was when she died.
- Q Where did she live? A In Sequoyah district.
- Q When did you first become acquainted with Sarah Mitchell.
- Q She was my own sister.
- Q Where was she born? A She was born in the Cherokee Nation,
I think in Sealequah district.
- Q What was her maiden name? A Campbell.
- Q What was her first husband's name? A Childers.
- Q Do you know when she married Childers? A No, sir, I don't
recollect the year.
- Q Do you know when Childers died? A Yes, sir, Childers died
about the first year of the war, I don't recollect exactly what that
was.
- Q Do you know the date of her second marriage, to Crowwell? A No,
sir, I do not, she married him during the war.
- Q Do you know when Crowwell died? A No, sir, I don't.
- Q Was she again married after Crowwell died? A Yes, to a man
named Mitchell.
- Q Well, after Mitchell's death, she married again? A I don't
recollect, I don't think she did.
- Q Do you know who she was living with or what her name was in 1880,
20 years ago? A Mitchell, I think.
- Q Do you know where she was living in 1880? A I think she was
living down close to the bottom just this side of Fort Smith.
- Q Is she living now? A No, sir, she is dead.
- Q About when did she die? A I don't recollect the date.
- Q About how long ago? A It certainly has been fifteen years or
more.
- Q Where has this woman been living, Maggie Rush? A She lived
down in Fort Smith bottom a good long time, I don't know how long,
and then they moved up this side of there in the Cherokee Nation, not
a great way from Muldrow.
- Q Have you known of her ever since she was born? A Pretty much,
I have known her ever since she was a little child.
- Q Have you known of her ever living outside of the Cherokee Nation?
- Q No, sir, I don't think she ever lived out of the Cherokee Nation.
- Q Do you think she has been in the Cherokee Nation all of her life?
- Q I think she has been in the Cherokee Nation all her life.
- Q Has she ever visited out for any length of time? A If she
ever visited out I don't know it.
- Q What was her first husband's name? A I can't recollect her
first husband's name, I knew him too, I guess, if I can call it.
- Commissioner Needles: Do you know where Mrs. Rush lived in 1880?
- Q I am not right positive where she was living in 1880, I think
she was living down about Fort Smith bottom in Sequoyah district.
- Q Did she ever live in Fort Smith? A If she ever did I don't

Maggie Rush A 2.

know it.

Q Now her mother's name you say was Sarah Mitchell? A Yes, sir.

Q Was her mother a Cherokee by blood? A Yes, sir.

Q Is she on the rolls of the Cherokee Nation, do you know? A She has been living here all the time and if she is not she ought to be, she has never lived anywhere else except in this country since the war.

Q What district? A In Sequoyah district all the time, I reckon; I believe she lived in Illinois on a place of mine a short time.

Q Was she living with Childers in 1880? A No, sir, Childers died at the commencement of the war in 1857 or 1858.

Q What is your recollection of Mrs. Rush's name in 1880, 20 years ago? A Her name was Cromwell.

Q In Illinois district? A I think they lived in Sequoyah district at that time.

Q Do you know her mother to be a Cherokee citizen? A Yes, sir, by blood.

Q Do you know her to be a Cherokee citizen by blood, Mrs. Rush?

A Well I reckon she ought to be, she has always went as my sister's child.

Q Do you know that she is the daughter of your sister Sarah? A Well I can't swear that; she has always been considered so and I have no right to dispute it, and I don't suppose she can dispute that; I am satisfied she is.

Q She was always recognized as her daughter? A Yes, sir.

Q Were her mother and father legally married? A Really, I can't answer that question.

Q Do you know they lived together as man and wife? A I don't know that, but I am satisfied they did.

Q You don't know they lived together at all? A No, sir, I don't know they lived together at all, I never was acquainted with him, they married during the war and he died during the war.

Q Was her mother your full sister? A Yes, sir.

Mr. Hastings: Same father and mother? A Yes, sir.

Q Was she older or younger than you? A She was a little older than I am.

Commissioner Needles: Well, that testimony will be filed with the testimony taken this morning.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 14th day of August, 1900.

Commissioner

D 101
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 12 1900


ACTING CHAIRMAN

To be filed with D card 101.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., August 16, 1900.

C. C. Childress, being sworn, testified as follows:

Q What is your name? A C. C. Childress.
Q Your age? A 47.
Q Your postoffice? A Cann.
Q Are you a resident of the Cherokee nation? A Yes.
Q Are you a citizen by blood or intermarriage? A By blood.
Q What degree of blood do you claim? A 1/16.
Q Do you know Maggie Rush? A Yes.
Q What was her mother's name? A Her maiden name was Campbell; my father's name was Childress, her married name.
Q Where did she marry Childress? A Somewhere in the territory.
Q Where were you born? A In Saline district.
Q You are half brother to Maggie Rush? A Yes.
Q What was her maiden name? A Cromwell.
Q After your mother married Childress did Childress die? A Yes.
Q And she married Cromwell? A Yes.
Q That (Cromwell) was her father? A Yes.
Q Where did she marry Cromwell? A At Fort Gibson about '64.
Q Whatever became of Cromwell? A He died at Fort Gibson.
Q Where was this woman born? A In Saline district at Locust grove, postoffice.
Q Where did her mother live from that time on? A She lived in Saline district off and on all the time.
Q How long did she live there then? A About 5 or 6 years.
Q Then where did she go? A To Sequoyah.
Q Then she lived in Sequoyah how long? I don't know exactly how long it was until she died-- she lived here until she died.
Q Now where was Maggie Rush at the time her mother died-- was she with her? A Yes.
Q Where was Maggie Rush married? The first time she was married down here near Skin Bayou in Sequoyah district.
Q She was married again? A Yes.
Q What was her first husband's name? A Gerard.
Q Did Gerard die? A Yes.
Q Where? A About Sallisaw.
Q When was she married the second time? A ~~XXXXXXXXXXXX~~ In Illinois district.
Q Is she living with that husband yet? A He is dead.
Q Where did he die? A At his home in Illinois district.
Q Has this woman since her birth ever lived either temporarily or permanently in the Cherokee Nation? A She has always lived in the Cherokee nation.
Q She has never lived out of it? A I swear positively that she has never lived out of it.

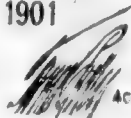
The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of September, 1900
at Muskogee, I.T.

John W. McDaniel
[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 29 1901


ACTING CHAIRMAN

SUPPLEMENTAL - TESTIMONY.

DEPARTMENT OF THE INTERIOR. COMMISSION TO THE FIVE CIVILIZED TRIBES. MUSKOGEE, I.T., JANUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF Maggie Rush et al for enrollment as citizens of the Cherokee Nation, "D" Card #101.
Edward E. Cumpe, being sworn and examined by Commissioner, T. B. Hoodless, testified as follows:

- Q What is your name? A Edward E. Cumpe.
Q What is your age? A Fifty seven.
Q What is your Postoffice? A Sullivan.
Q Do you know Maggie Rush? A Yes sir.
Q Do you know her now? A Yes sir.
Q Is she living? A Yes sir.
Q What do you know about her citizenship? A I know she's a Cherokee; she's a half sister to them Childers boys.
Q How old is she? A She's along about thirty five.
Q What is her mother's name? A Sarah Campbell.
Q Is she living? A No sir, she's been dead about fifteen or sixteen years.
Q Where was Maggie Rush born? A Born here on Grand River.
Q Has she been living ever since in the Cherokee Nation?
A Yes sir.
Q You say her mother was a Cherokee by blood? A Yes sir.
Q What degree of blood? A One sixteenth, her mother was.
Q How long has her mother been dead? A About sixteen or seventeen years.
Q Do you know why her name or the name of her mother is not on the roll of 1880? A No sir, it ought to be there.

By Mr. James I. Huckleberry, Attorney for applicant.

- Q What do you know Mr. Cumpe in regard to her receiving the pay on the roll of 1880; her and her mother, and other members of the family?
A I drew the money for her mother and the family at Ft. Gibson.
Q What relation is she to Dr. William Campbell? A He is her own uncle.
Q A brother to her mother? A Yes sir.
Q What relation were you to her originally? A I married her half sister.
Q Did you not marry her aunt in the first place? A Yes sir.
Q Then, who was it you married; you say you married her half sister? A Eliza Childers.
Q Do you know of her mother afterwards marrying a man named Mitchell? A Yes sir.
Q Are his children on the rolls? A Yes sir.
Q What are their names? A Thaddeus and Hugh.
Q Was their father a white man or Indian? A He was a white man.
Q And their mother was always regarded as a Cherokee? A Yes sir.
Q And you have known her all her life? A Ever since she was a small child, yes sir.
Q She has always been a member of the Cherokee Nation? A Yes sir.

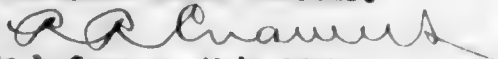
By Mr. W. W. Hastings, Cherokee Representative:

- Q Do you know where she was born? A She was born over here on Grand River, near Locust Grove.
Q When did you first know her? A In '68 or '9. When they first moved from Grand River to Sequoyah District.
Q Have you known her ever since? A Yes sir.
Q Has she ~~xx~~ always lived in the Cherokee Nation ever since?
A Yes sir; never been out of it over night; some times she has went to Ft. Smith and stayed over night, but she has never lived outside of the Cherokee Nation.
Q Has her citizenship ever been disputed? A No sir.

The undersigned, being sworn, states that as

-3-

stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



subscribed and sworn to before me this 28th day of January, 1901.

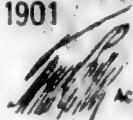


COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 29 1901



ACTING CHAIRMAN

SUPPLEMENTAL - TESTIMONY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF MAGGIE RUSH ET AL FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE NATION, "D" CARD #101.
WILLIAM W. CHILDERS, BEING SWORN AND EXAMINED BY COMMISSIONER, T. B. NEEDLES, TESTIFIED AS FOLLOWS:

- Q What is your name? A William W. Childers.
Q What is your age Mr. Childers? A I am forty eight.
Q What is your Postoffice address? A Ganna.
Q Are you a citizen of the Cherokee nation? A Yes sir.
Q Do you know Maggie Rush? A Yes sir.

By Mr. James H. Huckleberry, attorney for applicants:

- Q Who was your mother? A Sarah Campbell she was before she was married.
Q She was a Cherokee by blood? A Yes sir.
Q A sister of Dr. Campbell; Dr. William Campbell? A Yes sir.
Q Was your father a white man or an Indian? A He was an Indian, but some of them disputed him being Indian when they drewed old settler money.
Q You are on the roll? A Yes sir; my mother was an old settler too.

Com'r. T. B. Needles:

- Q What roll are you on? A Old Settler Roll and all the others.
Q Are you on the roll of 1880? A Yes sir.

By Mr. James H. Huckleberry, attorney for applicants:

- Q What relation is Mrs. Rush to you? A My half sister.
Q What is her father's name? A Joseph Cromwell.
Q Do you know when your mother and Cromwell were married?
A They were married at Ft. Gibson.
Q Where did your ~~mother~~ mother and her husband move to from Ft. Gibson? A We moved back on our old residence on Grand River, and he went on into the Creek Nation to see about his son.
Q I want to know the time Maggie Rush was born? A She was born in '65 if I am not mistaken.
Q Were you present at the time of her birth? A Yes sir, I was present about a half an hour after she was born.
Q You saw the child? A I saw her when she was born and taken and nursed her a half hour after she was born.
Q Have you been acquainted with her from that time down to the present time? A Yes sir.
Q Has she resided in the Cherokee Nation all the time? A Yes sir.
Q Has she ever been out of the Nation? A Not that I know of, unless she went out on a visit.
Q What became of Cromwell? A He died of pneumonia close to Ft. Gibson.
Q And what became of your mother? A She afterwards married George Mitchell.
Q Did she have any children by him? A Yes sir; two.
Q What are their names? A Hugh and Thaddeus.
Q Are they on the rolls? A Yes sir.
Q Were they enrolled at Sallisaw? A Either at Sallisaw or Muldrow.

Com'r. T. B. Needles:

- Q Was her mother a white woman? A She was a Cherokee.
Q Maggie Rush is your sister? A Yes sir.
Q You both had the same mother? A Yes sir.

By Mr. James H. Huckleberry, attorney for applicants:

- Q You are on the rolls? A Yes sir.

Com'r. T. B. Needles:

- Q Do you know why your sister's name is not on the roll of 1880?

-2-

A No sir, unless it was through uncle Will Campbell's neglect.
 Q How old was she in 1880? A Who, my sister?
 Q Yes? A I think she was born in '68.
 Q Whom was she living with in 1880? A I do not guess she was living with anybody - she was living with her mother.
 Q Why should Dr. Campbell register her? A My mother got him to register.
 Q Was he any relation? A He was her uncle, a brother to my mother.
 Q Was your mother a widow at that time? A Her and her husband had parted at that time.
 Q Whom did you say her husband was at that time? A George Mitchell.
 Q You said she had always lived in the Cherokee nation, did you not?
 A Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. A. Craven

Subscribed and sworn to before me this 29th day of January, 1901.

W. A. Craven

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901



ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 30, 1901.

Supplementary testimony in the case of Maggie Rush et al.

Witness, William W. Campbell, being sworn and examined by Commissioner T. H. Neelies, testified as follows:

- Q What is your name? A William W. Campbell.
Q What is your age? A My age is 64.
Q What is your postoffice address? A Campbell.
Q You a citizen of the Cherokee Nation? A Yes sir.

J. H. Huckleberry, Sr., attorney for applicant-
Q You know Maggie Rush's mother? A Yes sir.
Q What relation was she to you? A Sister.
Q Is she a Cherokee by blood? A Yes sir.
Q You know anything about the enrollment, who enrolled the family in 1880? A I don't believe I can recollect that.
Q What is the best recollection you have on that point? A They didn't live in my neighborhood right at that time. I may have been instructed to enroll them, but I can't recollect whether I was or not.
Q You have known her how long? A Ever since she was a little child.
Q She's always been recognized by the people as the daughter of your sister? A Yes sir, always recognized, never been disputed; her rights have never been.
Q You have known her all her life? A Yes sir.
Q She's always resided in the Cherokee Nation? A Yes sir, always resided in the Cherokee Nation, never was out of the Cherokee Nation that I know of.
Q You know what her father's name was? A His name was Cromwell.
Q You know whether they were enrolled as they were going from Sequoyah district to Illinois district? A I don't remember.

E. G. Pothsberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 30th day of January, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901



ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 30th 1901.

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Q You know what her father's name was? A His name was Cromwell.
Q You know whether they were enrolled as they were going from Sequoyah district to Illinois district? A I don't remember.

E. G. Fotherberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 30th day of January, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MS
980

In the matter of the application for the enrollment of Maggie Rust, and her children, Era, Daniel, Major and Alpha Garard, as citizens of the Cherokee Nation.

On the 9th day of August, 1900, Maggie Rust appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and children as citizens of the Cherokee Nation.

At the conclusion of the testimony offered at that time, the names of these applicants were placed upon a "Doubtful" card, awaiting further proof pertaining to the legal status of Maggie Rust.

STATEMENT OF FACTS.

Maggie Rust at the time of this application was 34 years of age, and was born and reared in the Cherokee Nation. Her father was one Joe Crowwell, a non-citizen, and her mother, who is now dead, was prior to her marriage to the aforesaid Crowwell, one Sarah Childers, nee Campbell, a citizen by blood of the Cherokee Nation; and subsequent to her marriage to Crowwell she was married again to one Mitchell, and is identified on the Cherokee authenticated tribal roll of 1880, as Sarah Mitchell.

The applicant in this case, whose maiden name was Maggie Campbell, was first married to one William Garard, a non-citizen, who having died she again married one Benjamin Rust, a non-citizen, and at the time of this application was his widow. It appears however, subsequent to this application, as is evidenced by a marriage certificate hereto attached, she was married in accordance with the laws of the United States on the 22nd day of October, 1901 to one Garard.

say L. Kiddy, a non-citizen.

While it is shown that she was born prior to the taking of the 1880 roll, yet she is not identified thereon. The testimony introduced in this case by one C. C. Childers, shows that he is a maternal half brother of the afore said Maggie Rust, and that he is identified on the 1880 roll, Illinois District, #380.

There is also testimony introduced by one William W. Childers, which shows that he is also a maternal half brother of the aforesaid Maggie Rust, and is identified on the 1880 roll, Illinois District, #379.

The further testimony of one W. W. Campbell, a maternal uncle of the aforesaid Maggie Rust, and who is identified on the roll of 1880, Illinois District, #387, together with her mother's identification, hereinbefore shown, is considered conclusive proof that she, the aforesaid Maggie Rust, is a citizen by blood of the Cherokee Nation, although not identified upon the authenticated tribal roll of 1880.

There is testimony introduced in this case to show that she has always and continuously resided in the Indian Territory, with a possible exception of a day or two now and then spent outside in visiting. The said Maggie Rust is identified on the Strip Payment roll of 1894, also the Census roll of 1896.

Her children, by a former husband, as hereinbefore shown, are identified upon the Cherokee census roll of 1896, with the exception of the youngest daughter Alpha, who is sufficiently identified by a certificate of birth filed herewith.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 23, 1898 (30 Stats. 495,):

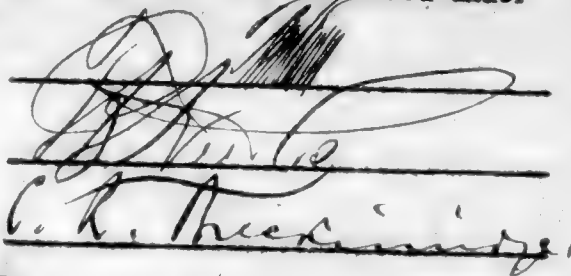
"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, the following decision is rendered:

DECISION.

--oOo--

Maggie Rust, as shown, being the daughter of a mother who was a citizen by blood of the Cherokee Nation, and her children, Era, Daniel, Major and Alpha, also being descendants of a Cherokee mother, it is considered by the Commission that Maggie Rust, and her children by a former marriage, Era, Daniel, Major and Alpha Garard; are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered. The applicant-in-chief will be enrolled under her present name of Maggie Kiddy.



Dated at Muskogee, Indian Territory,

MAY 27 1902

Commissioners.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Maggie Rust for the enrollment of herself and children, Era Garard, Daniel Garard, Major Garard, and Alpha Garard, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-101.

IR

No. D101

In the matter of the application of
Maggie Rush et al
for enrollment as
X Cherokee X Citizens

A. Original testimony. August 9. 1900

B. Memo of applicant. " 4. 1900

C. Additional testimony. W. W. Campbell. " 9. 1900

D. " " C. C. Childers. " 16. 1900

E. Birth affidavit - Alpha Garard. " "

F. Additional testimony. E. E. Cump. Jan. 28. 1901

G. " " W. W. Childers. " 29. 1901

H. " " W. W. Campbell. " 30. 1901

I. Notice of final consideration

of marriage license & cert

H. Supplemental testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

of testimony

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102

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 15 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., August 6, 1900.

In the matter of the application of Solomon Copeland for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by committee on the marriage and testimony as follows:

Q What is your name? A Solomon Copeland.
Q What is your age? A Thirty-one.
Q What is your present office? A Agent, Indian Territory.
Q What is your district? A Sequoyah.
Q For what do you apply for enrollment? A Myself, my wife and three children.
Q Do you apply for yourself as a Cherokee by blood? A No sir, by adoption.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Dollie.
Q How old is she? A I think she is twenty-five.
Q What was her name before you married her? A I don't know.
Q Was that her maiden name? A Yes sir.
Q Was she on the roll of 1880? A I suppose, I can't tell you.
Q What proportion of Cherokee blood do you claim for her? A She is about a quarter-blood I suppose.
Q Was she born in the Cherokee Nation? A Yes sir.
Q Has she lived here all her life? A Yes sir since she and her husband were married; we was down in the Choctaw Nation a while, and come back, but I had property and stuff here.
Q If she was enrolled in 1880 when a very young child what district would she have been enrolled from? A They lived on Grand River, I think that's in Tahlequah; she was enrolled as Harrington; Will Hynes was her father, and I think he got killed and Sam Harrington married her mother when she was a baby, and her mother enrolled her name as a Harrington.
Q Have you a license of marriage? A Yes sir, (Produces paper)
Q Mr. Copeland you present here a duly authenticated marriage license authorizing the marriage between yourself and Miss Dollie Hynes, signed by John H. Adair, Clerk of Sequoyah District, dated June 25th, 1891, and under the seal of his office; the certificate shows that you were married according to the license by the Reverend J. H. Peterson, June 25th, 1891, and that these documents have been duly recorded. It is now with your application. Give me the names and ages of your children? A Robert P., aged seven; William P., aged three; Mabel P., a girl, one month old.
Q These children are all living? A Yes sir.
Q Have you and your wife lived together ever since your marriage and are living together at this time? A Yes sir.
Q What was your wife's ~~next~~ mother's name? A Mary or Hollie, she was a mean.
1890 roll, page 1112 for applicant's wife, and does not find.
1894 roll, page 947 #364 Dollie Copeland, Sequoyah District.
1894 roll, page 947 #365 Robert P. Copeland, Sequoyah District.
1896 roll, page 1002 #396 Dollie Copeland, Sequoyah District.
1896 roll, for applicant, page 1112 #44 Solomon Copeland, Sequoyah.
1896 roll, page 1002 #397 Robert P. Copeland, Sequoyah District.

Com'r Brackinridge: Mr. Copeland, your wife is identified on the roll of 1894 and the roll of 1896; she is not identified on the roll of 1880; we don't find it practicable to identify her mother at that time; further proof is demanded, if it is possible for you to furnish it, of your wife having been enrolled in 1880; she is doubtless on that roll, but it is not revealed at this time under

Salomon Capolani et al #2

what name she is enrolled. It is desired that you identify her and her family as best you can on the roll of 1890. Your marriage with your wife is fully established by the license and certificate of marriage which you have ~~presented~~ submitted here, and you are found enrolled in 1896; your child, Robert E., is duly identified on the roll of 1894 and also on the roll of 1896; you are desired to make out and furnish this commission with a duly authenticated certificate of the birth of your two younger children, who are too young to be on any roll, William E. and Helen E.. At present I am, and your wife and these three children will be placed upon a special card for further consideration by this commission, and to await fuller information as has been explained to you, about the enrollment of your wife and her people in 1890. When the decision of the commission is finally rendered, you will be informed of it at your present post-office address, and whether that decision is favorable or unfavorable, it will be forwarded to the Secretary of the Interior for his final approval.

W.D. Green, being first duly sworn, states that as stenographer to the commission to the Pine-Cliffed Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

W.D. Green

Subscribed and sworn to before me this 15th day of August 1890.

W.D. Green
Commissioner.

Q 102

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900

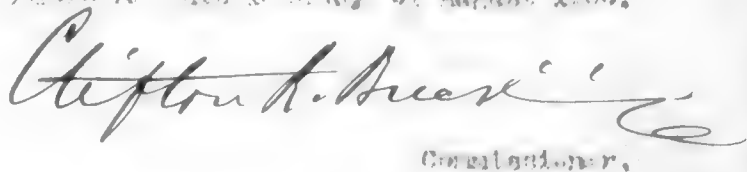

ACTING CHAIR

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., August 1st, 1900.

I, P. G. Hunter, certify that the name of Nellie Copeland appears upon the authenticated roll of the Cherokee Nation of the year 1880, page 648, 7537, Saline District, as Wiley Hesterton.



Subscribed and sworn to before me this 1st day of August 1900.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., October 10, 1902.

In the matter of the application of Solomon Copeland for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Dollie Copeland, and his three minor children, Robert F., William M. and Nola E. Copeland, as citizens by blood, of the Cherokee Nation.

Supplemental Proceedings.

Solomon Copeland, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Solomon Copeland, sir.
Q What's your age? A My age?
Q At this time? A It is thirty-three. I was born in '68, December.
Q What's your postoffice address? A Why, Brent; that's always been my postoffice address.
Q Are you the same Solomon Copeland that made application for enrollment as an intermarried citizen in August, 1900? A Yes, sir.
Q You are a white man? A Yes, sir.
Q What's your wife's name? A Her name's Dollie.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your wife, Dollie? A Well, I don't remember but I think it was in '91. My license was never returned back after they taken them in charge.
Q Well, now, were you ever married prior to your marriage to this wife, Dollie? A No, sir.
Q She's your first wife? A Yes, sir.
Q Had she ever been married prior to her marriage to you? A No, sir.
Q You are her first husband? A Yes, sir.
Q Have you and your wife Dollie lived together continuously from your marriage in '91 up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Never been married to any other woman? A No, sir.
Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well, sir, I suppose it has been about thirteen years.
Q Have you lived in the Cherokee Nation all the time since your marriage until the present time? A The Cherokee Nation has been our home.
Q From 1891 to the present time? A Yes, sir.
Q Your wife has lived here with you since your marriage up to the present time? A Yes, sir.
Q These children, Robert F., William M. and Nola E., are your children by your wife, Dollie? A Yes, sir.
Q Have they always lived in the Cherokee Nation from their birth up to the present time? A Yes, sir, the Cherokee Nation has been their home.

Netta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Netta Chick

Subscribed and sworn to before me this 16 day of October, 1902.

B. A. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-102.

In the matter of the application for the enrollment of
Solomon Copeland as a citizen by intermarriage, and Dollie Copeland,
Robert F. Copeland, William M. Copeland and Nola E. Copeland as
citizens by blood of the Cherokee Nation.

DECISION.

--:0:--

The record in this case shows that on August 9, 1900, Solomon Copeland appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Dollie Copeland, and their minor children, Robert F., William M. and Nola E. Copeland, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

The evidence shows that Solomon Copeland was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 28, 1891, to Dollie Blythe, a citizen by blood of the Cherokee Nation. Dollie Copeland is identified on the Cherokee Authenticated Tribal Roll of 1880, under the name of her step-father, as Dollie Heffington. She is also identified on the Cherokee Strip Payment Roll of 1894 and the Cherokee Census Roll of 1896, as Dollie Copeland. Solomon Copeland and Robert F. Copeland are identified on the Cherokee Census Roll of 1896. William M. Copeland and Nola E. Copeland, having been born since said roll, are duly identified by birth affidavits, made a part of the record herein.

Dollie Copeland has lived in the Cherokee Nation all her life, with the exception of a short absence in the Choctaw Nation. Solomon Copeland has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902. The minor children have been continuous residents in said Nation.

It is, therefore, the opinion of this Commission that Solomon Copeland should be enrolled as a citizen by intermarriage, and that his wife, Dollie Copeland, and their minor children, Robert F., William M. and Nola E. Copeland, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

DEC 10 1902

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COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 102.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Solomon Copeland for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Dollie Copeland, and his three minor children, Robert F., William M. and Mola E. Copeland, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 426.

IN THE MATTER OF THE APPLICATION OF

Salomon Copeland et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony August 9, 1900
- B. Mem^e of application - 9, 1900
- C. Birth affidavit William M. Copeland
- D. " " - Hula E. Copeland
- E. Marriage License
- F. Establishes identity of wife on 1880 Roll

Copies of testimony filed
with the Court

Cancelled and transferred
to Cherokee Roll


Cher D 103

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

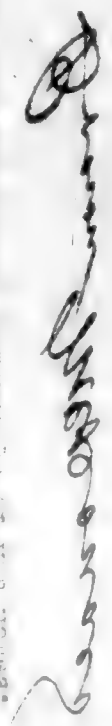
FILED
AUG 27 1900


ACTING CHAIRMAN.

RECEIVED
AUG 27 1900
U.S. DEPT. OF THE INTERIOR
WASHINGTON, D.C.

COMPTROLLER.





The Commission to the Five Civilized Tribes, established by Executive Order of President McKinley, March 3, 1897, and continued by Executive Order of President Roosevelt, March 3, 1900, is hereby notified that the same has been reorganized and its name changed to the Commission to the Five Civilized Tribes, Department of the Interior.

The Commission to the Five Civilized Tribes, Department of the Interior, is hereby notified that the same has been reorganized and its name changed to the Commission to the Five Civilized Tribes, Department of the Interior.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 8, 1900.

In the matter of the application of Sarah Barnes for enrollment of herself and her children as citizens of the Cherokee Nation, said Barnes being sworn by Commissioner Gooden, testified as follows:

- Q What is your name? A Sarah Barnes.
Q Your age? A 29.
Q Your postoffice? A McKee.
Q Are you a Cherokee citizen by blood? A No sir.
Q By intermarriage? A Yes.
Q What district do you live in? A Illinois district.
Q How long have you lived there? A For 10 years.
Q Been living there right along for 10 years? A Yes back and forwards in here and out.
Q How long have you lived in the Cherokee nation? A 10 years.
Q All the time? A Yes.
Q Who do you apply for enrollment for? A My children and myself.
Q You are a white woman? A Yes, and adopted citizen.
Q What is your father's name? A James Ross.
Q Is he living? A No sir.
Q Was he a non-citizen? A He was a white man.
Q What is your mother's name? A Lizzie.
Q Is she living? A Yes.
Q Is she a white man? A Yes.
Q Are you married? A I am not any more— I am a widow.
Q When were you married? A In '90.
Q What month in '90? A 21st of December '90.
Q Whom did you marry? A William Barnes.
Q Was he a Cherokee citizen? A Yes.
Q Have you any certificate of marriage? A Yes, it is here in the office I reckon— that is what they told me yesterday.
Q How old was William Barnes? A If he had lived until now he would have been 27 or 28 years old.
Q What was your husband's father's name? A Tom Barnes.
Q Was he a Cherokee citizen? A Yes.
Q Is he living? A No sir.
Q When did he die? A I don't know.
Q What was William Barnes' mother's name? A Lucy Murphy.
Q Was she a Cherokee by blood? A Yes.
Q Is she living? A No sir.
Q Have you any children? A Yes.
Q Give names of the eldest who are at home? A Mary M., 12 years old.
On '96 roll, page 1055, number 193, as Mary Barnes;
On '94 roll, page 935, number 90 as Mary Barnes.
Q Next one? A Lucy W., 7 years old.
On '96 roll, page 1055, number 194, as Lucy Barnes;
On '96 roll, page 935, number 91, as Lucy.
Q Next one? A Sadie R., 5 years old.
On '96 roll, page 1055, number 195, as Martie Barnes.
Q Are all these children alive and living with you? A Yes.
Applicant's husband, deceased, on 80 roll, page 685, number 192.
Q Do you know who married you? A His name was Roll (Roll?) I don't know where he is.

Applicant on '96 roll, page 1111, number 19.

The name of Sarah Barnes appears upon the census roll of '96. She avers that she was married to William Barnes, a Cherokee citizen by blood in the year '90, but presents no certificate of marriage, nor no proof. The names of her children, Mary M., Lucy W., and Sadie R., are found upon the census roll of '96 and pay-roll of '94, duly identified, and satisfactory proof being made as to their residence.

From the fact that no proof of marriage is made the final judgment as to the enrollment of herself and children will be suspended awaiting proof of marriage.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above named application, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 27th day of August, 1900,
at Fort Gibson, I.T.

[Signature]

Commissioner.

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U.S. DEPT. OF THE INTERIOR

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 18 1900

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[Signature]
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 10, 1900.

In the matter of the application of Sarah Barnes for enrollment as an intermarried Cherokee; James Andrew B. Ross being sworn and examined by Commissioner Hastings testifies as follows:


- Q What is your name? A Andrew B. Ross.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Moberly.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q What district do you live in? A Illinois.
Q How long have you lived there? A I have been living there about seven years.
Q Did you know William Barnes? A Yes sir.
Q Is he living? A No sir.
Q Do you know Sarah Barnes? A Yes sir.
Q What relation did they bear to each other? A They was husband and wife.
Q Was Sarah Barnes married to William Barnes? A Yes sir.
Q How do you know? A I saw them married.
Q Where? A Down here on Sallisaw Creek.
Q What districts? A In Illinois.
Q Who married them? A Aaron Reel.
Q Where were you living at that time? A I was living up on the Sallisaw Creek.
Q How far did you live from there? A About ten miles.
Q How did you happen to be there? A He was moving, and we hadn't caught our chickens and we went back there to catch our chickens.
Q And they were married right where your chickens were? A Yes sir, at the same house.
Q Do you know when William Barnes died? A He died last June.
Q Did you know him all the time from the time he married Sarah Barnes until he died? A Yes sir.
Q Did Sarah and him live together as man and wife all the time? A Yes sir.
Q Was this man that married them a preacher? A Yes sir.
Q Do you know where he is now? A Last summer he was at Gilman Springs.
Q You don't know whether he is living or not? A No sir.

Examination by Cherokee Representative Hastings:

- Q How long ago was they married? A About ten years ago.
(Applicant says her husband has been dead about two years.)

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this 10th day of August 1900.


Commissioner

10103

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 11 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
February 18, 1902, Muskogee, I.T.

In the matter of the application of Sarah Barnes for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be given an opportunity to introduce any further testimony affecting her application. She has been called three times, and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

Cherokee D. 103. 

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary M., Lucy W. and Sadie E. Barnes as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 8, 1900, Sarah Barnes appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of her three minor daughters, Mary M., Lucy W. and Sadie E. Barnes, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Sallisaw, Indian Territory, on August 10, 1900.

Sarah Barnes is also an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that Sarah Barnes, nee Ross, was married on the 21st day of December, 1890, to one William Barnes, a citizen by blood of the Cherokee Nation and identified on the Cherokee authenticated roll of 1880. Said William Barnes has been dead about two years. As a result of the marriage hereinbefore shown the minor daughters were born. They are identified on the Cherokee census roll of 1896.

The evidence further shows that Sarah Barnes has resided in the Cherokee Nation for ten years next preceding the date of the application herein. The minor children have lived with their said mother all their lives and it is considered that their residence has been continuous in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Mary M. Barnes, Lucy W. Barnes and Sadie E. Barnes should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-103.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 9, 1903.

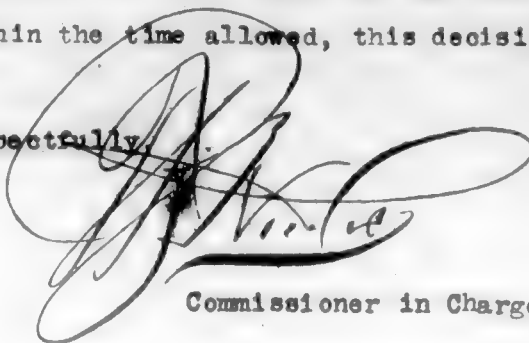
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Sarah Barnes for the enrollment of her three minor children, Mary M., Lucy W. and Sadie E. Barnes, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-15.

103
IN THE MATTER OF THE APPLICATION

Sarah Barnes et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 8, 1900

B. Mem^o of application. " 9, 1900

C. Additional testimony - " 10, 1900

Notice of final consideration

E. Order closing testimony, Feb. 18, 1902

Nos 2, 24. Transferred to Cherokee 10370

OCT 10 1907 Cancelled and

transferred to Cherokee 1032

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D 104

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 15 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., August 5, 1906.

In the matter of the application of Joseph Gordon for the enrollment of his wife, Katie, as a citizen; being sworn and examined by George W. Brockbridge, he testifies as follows:

- Q What is your full name? A Joseph Gordon.
Q How old are you? A 1891-92 years old.
Q What is your post-office? A Wren.
Q Your district? A Illinois.
Q Do you do any work for small rent? A I want to enroll my wife.
Q You apply for your wife's enrollment by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim for your wife? A One-half blood.
Q What is her full name? A Katie.
Q Is it a woman name or a man name? A Gordon was her father's name, but I think it will be found in the rolls as Wanstucker.
Q You think that your wife's name was Gordon? A Yes sir, she assumed her father's name.
Q When was she married? A Married by the Rev. J. J. Harris, July 2, 1892.
Q How old was she then? A Twenty-six years old.
Q How long have you been married? A Towards a coming to Cherokee law name. A Yes sir.
Q And you present a certificate here showing that you were married under Cherokee law on the 15th day of February 1890. A Yes, Gordon, you present here a duly authenticated license from Marshall H. Gordon, Clerk of the Court, Star Route, First Judicial District, Indian Territory, issued under the seal of his office, authorizing your marriage to Katie Gordon, dated July 2, 1892, and the certificate shows that you were duly married by the Rev. J. J. Harris, in accordance with the license, on the 15th day of July, 1892, and that these documents have been properly recorded; now you also present a Cherokee license and certificate of marriage the license signed by W. A. Thomas, Clerk of Illinois District, dated February 14th, 1896, and the certificate signed by the Clerk of said district dated 15th day of February 1896 bearing also the seal of his office; this identifies your wife under her present name. Upon what rolls of the Cherokee Nation does your wife's name appear?
A I think it is on probably the 1890 roll; I know no other both is on the 1896 roll.
Q If your wife is on the roll of 1890 would she be found enrolled as Katie Gordon? A No sir, Katie Wanstucker.
Q What district did she live in at that time? A Seago, Ind.
Q How do you account for her change in her name from Wanstucker to Gordon? A Her mother went to Wisconsin and while there my wife was born, and she came back with her a little baby and assumed her mother's name; I think her mother married while she was in Wisconsin, and came back here on a visit, and she never would go back.
Q Was her mother a white woman? A Half-blooded Indian.
Q Half-blooded Cherokee? A Yes sir.
Q Is her mother on the roll of 1890? A Yes sir.
Q Under what name? A Lucy Wanstucker.
Q Is your wife's mother living now? A No sir.
Q Is her father living? A If he is I don't know it.
Q In what district did your wife live in 1894? A She lived in Illinois.
Q She would be enrolled under your name? A I don't know; her mother registered her in 1894 if she was registered.

Joseph Tardieu, 100 rue de la Harpe, 75005 Paris

Q You and your wife have lived together ever since your marriage?
A Yes, sir.

b. The [redacted] is located in the [redacted] building over which your interest is a [redacted].

11. The following information was obtained from the records of the
12. Bureau of the Census, Department of Commerce, Bureau of Economic
13. Analysis, Washington, D. C., and was not found.

1900. 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 25

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THE UNIVERSITY OF CHICAGO

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100-443887-100

1. The following information is for your information:

1. The first of these is the *reduction of the number of variables*.

2. 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348

(April 1968, explaining that he had drawn a complaint order given to a
state agent, Joe Barkins, for the money.)

The following information was obtained by observation and questioning, identified as follows:

2. A. C. 12436.

[illegible]

Q. Now you have this woman, Paula "Borden" A. Borden, who was born

Journal of Management Education 30(6)

thought as order,

... .. A. K.

[illegible]

Continental Telephone Company, Incorporated, New York, New York.

144 District 314 was drawn in A Illinois.

Q. Did you draw at the time of payment, in kind or under the
Provisional Payment? A. No, I did not. At the time of payment, there was

The cards, no-called, and sent to the experienced:

2. *Exterior:*

Do I not love you like the life of my nation, and as you

10. 11. 1935 A. 105. 10.

They had my record stolen. I was living anywhere else?

1990

... you have lived here all of your

And, I will follow you to the ends of the earth.

1941

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

Four individuals: 1. Applicant, William Smith, is duly identified in the roll of 1890, on the roll of 1896; her name of Mrs. Smith, her maiden name, is clearly established by the marriage license and certificate which have been cited in the testimony; she is not identical in the roll of 1894, but the fact that she received her part of the payment that was made to the Cherokee Nation on the roll of 1894 is established by personal testimony; the representative present of the Cherokee Nation desires to make further inquiry into the status of this applicant, as to whether she comes under the head of Cherokee Freedmen or under the class of Cherokees by Indian blood; for the present this applicant will be

Joseph Martin for wife Katie #3

placed upon a white card, and judgment for the time being will be suspended; but notice is here given to the applicant, through her husband, that if any evidence is presented derogatory to her claim ample opportunity will be afforded to him and to her to meet it. The final decision of this Commission will be communicated to Katie Martin, the person involved, at her present post-office address, and that decision, whether favorable or unfavorable, will be submitted to the Secretary of the Interior for his final approval.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M. D. Green

So sworn and sworn to before me this 15th day of August 1907.

C. R. Burk
Commissioner.

40104-

Specified and again to prepare the following copy.

The and complete transcript of his stenographic notes in regard to the hearing and proceedings in this case and that the transcript is a continuation of the transcript of the hearing in connection with the R.T. Green being the only one of the transcript that is specified to be

FILED
MAR 3 1933

ACTING CHAIRMAN

CONFIDENTIAL

"R".

Cherokee D-104.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Katie Hardee for enrollment as a citizen of the Cherokee Nation.

Appearances:

Joseph Hardee, husband of the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: It appears upon an examination of the authenticated roll of 1880 that the applicant in this case appears on said roll as Katie Wanstucker, a native Cherokee.

JOSEPH HARDEE, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Joseph Hardee.
Q How old are you? A I am 59 years old.
Q Where do you live? A At Vian.
Q Are you the husband of Katie Hardee, an applicant before this Commission for enrollment as a Cherokee? A Yes sir.
Q Do you know her parents? A Yes sir.
Q Were they always recognized throughout the community as Cherokees by blood? A Yes sir, they were.

GEORGE WATERS, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A George Waters.
Q What is your post-office address? A Vian.
Q Are you acquainted with Katie Hardee, who is an applicant before this Commission for enrollment as a Cherokee? A Yes sir, I am acquainted with her.
Q Did you know her parents? A I know the woman that was supposed to be her mother.
Q Was she always recognized as a Cherokee by blood? A Yes sir, that is what we knew about it.
Q And the applicant, Katie Hardee has always been known as a Cherokee by blood? A Yes sir, all I know anything about.
Q Have you ever heard her spoken of as being a Freedman? A No sir, she is not a Freedman.
Q You are satisfied that she is a citizen and that she is a Cherokee are you? A I think she is a free born Cherokee, you understand that.

BY MR. HASTINGS:

- Q Did you know her father? A No sir.
Q This woman is recognized as having some colored blood? A Here is all I know about these families: I suppose that her ancestors were from the Wanstuckers, and old man Elk was a half-breed and Joe and Tom Wanstucker, and Katie Wanstucker was his halfsister, I know these three and I know old man Elk, Will Elk lived right neighbor to him, Will Elk ought to know all about it, that's all I know; that this Katie was a recognized citizen there in the neighborhood; they come from Sequoyah.

BY COMMISSION:

- Q You are a citizen yourself, are you, Mr. Waters? A Yes sir.

JOSEPH HARDEE, applicant's husband, re-called, and further examined, by Commission, testified:

- Q You submit this case now to the Commission for final consideration do you? A Yes sir.

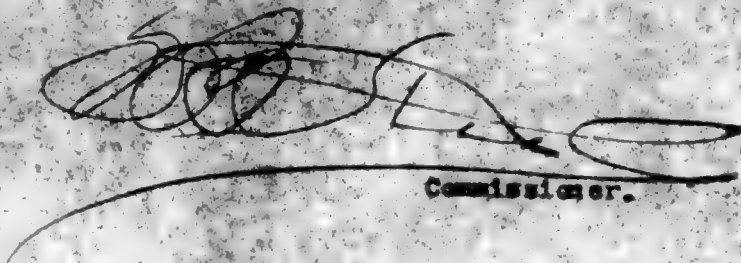
BY COMMISSION, of Mr. Hastings:

You submit this case do you, Mr. Hastings? A Yes sir.

H. L. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this February 20, 1902.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MS
913

In the matter of the application for the enrollment of
Katie Hardee, as a citizen of the Cherokee Nation.

On the 9th day of August, 1900, Joseph Hardee appeared
before the Commission to the Five Civilized Tribes, and made appli-
cation for the enrollment of his wife Katie Hardee, as a citizen by
blood of the Cherokee Nation.

At the conclusion of the testimony offered at that time,
the name of Katie Hardee was placed upon a "Doubtful" card, await-
ing further proof pertaining to her legal status; which proof has been
furnished to the Commission, and the following decision is render-
ed:

D E C I S I O N.

--oOo--

From all the evidence of record in this case it appears
that Katie Hardee, at the time of this application was 26 years of
age. She is identified on the authenticated tribal roll of 1880 as
Kate Wanstucker; also on the Cherokee census roll of 1896 as Katie
Hardee.

It appears that her mother is identified on the Cherokee
authenticated tribal roll of 1880, as Lucy Wanstucker.

The testimony shows that the aforesaid Katie Hardee's
mother removed from the Indian Territory to the State of Wisconsin,
and while residing there the applicant in this case was born. It ap-
pears that her mother's name was Barden, and while living in Wiscon-
sin, subsequent to her removal from the Indian Territory, she married
a man by the name of Wanstucker, and subsequent to the birth of the
applicant her mother removed to the Cherokee Nation, bringing the

applicant with her.

The record further shows that Katie Hardee has resided in the Cherokee Nation since childhood. Her identity on the roll of 1880 as Kate Wanstucker, is explained by her mother's marriage in Wisconsin, as hereinbefore shown.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the provision of the Act of Congress approved June 26, 1898 . (30 Stats. 495.)

In view of the facts and the law in this case, the Commission is of the opinion that Katie Hardee, being identified upon the authenticated tribal roll of 1880, and also a descendant of a Cherokee mother, is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

A handwritten signature, likely of C. H. Brackin, is written over two horizontal lines. The signature is in cursive and appears to be "C. H. Brackin".

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Joseph Hardee for the enrollment of his wife, Katie Hardee, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such Protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-104.

CHEROKEE.

D-104

Katie Hardee

Transferred to Cherokee 9504

Cher D105

Cher D105

D 105

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 15 1900



ACTING CHAIRMAN

Department of the Interior,
 Board of the Five Civilized Tribes,
 Sallisaw, I. T., August 2, 1900.

In the latter of the applications of Willie Nelson for the on-
 call of a "special" affidavit on "other grounds"; he swore
 and testified by Consultant now in Oklahoma and testifies on follow-up;

Q 1. Is he still a Jew? A Still a Jew.
Q 2. Is he still a Jew? A Still a Jew.
Q 3. Is he still a Jew? A Still a Jew.
Q 4. Is he still a Jew? A Still a Jew.
Q 5. Is he still a Jew? A Still a Jew.
Q 6. Is he still a Jew? A Still a Jew.
Q 7. Is he still a Jew? A Still a Jew.
Q 8. Is he still a Jew? A Still a Jew.
Q 9. Is he still a Jew? A Still a Jew.
Q 10. Is he still a Jew? A Still a Jew.

Q. I have a copy of the rolls of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Indians. A. Yes, Sir.

6. Arr. on the roll of 1884. A. No. 18.

Q. And you did not on the 10th of January? A. I wasn't living here then.

[illegible]

111

When asked about the incident on 11/11/68, I do not
 recall seeing the 1st Lt. in Town submitted at Toledo, in 1968.

They never glow

Q. In your report of the Commission on the
 on the 1st and 2nd.

17. The above information is true and correct to the best of my knowledge and belief.

Q Now you said that then, too, was a "T. A." all.

Have you lived in the foreign field in any place since 1983? A

C. And all the other in Bagmati district. A. Yes sir.

From 1940 to 1941, April 1941, In 1941

1944

Very truly yours,
John D. Rockefeller

... ..
... ..

...of the last some of these children are in the same institution
that left the car. A. You say, when you were there, I have got
two children that was on ~~the~~ that roll too, they were married.

Q None of those were born since that notification was issued?

Q. Now, Sir, they were all there before that and they were all in that confidence.

These children are all 14-15 at this time. A few are

194 1911, pp. 254-273. Little variation, frequency of notes.

1961-1962

[illegible]

1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 2694-2695, 2696-2697, 2698-2699, 2700-2701, 2702-2703, 2704-2705, 2706-2707, 27

[illegible][illegible][illegible]

1960-1970; 1971-1980; 1981-1990; 1991-2000; 2001-2010; 2011-2020

1000 roll - Low level material - 1 roll. Material District.

Directed by George A. Thompson, Jr. and George A. Thompson, Jr.

How was your visit to the Council of the Cherokee Nation.

IN 1937 A Von 315.

Q Now is it your name not appear here as admitted by the Cherokee National Council when we have the admitted list here?

A I don't know, but I was, and I dressed money with the Morokoon.

Q And you haven't a certificate either? A No sir, I never got

no cardfile in.

Confidentiality: The applicant, Willie Adams, is duly identified on the rolls of the year 1960, as are also his four children, who are all mentioned in the testimony; none of them is now over the age of fifteen years and no child or children of the applicant is now in jail in 1961, and she does not know of it. She has no participation in terrorism; she states that the council took such action, but she does not give her a full list; now for the present her application is for himself and the other children and stated will be the dependent financial card, and she is instructed to supply this document, if possible, with duly authenticated copy of the action of the council giving her and her children citizenship and the date. The decision of the commission will be communicated to the applicant at her present point-of-view a letter; and if it is not favorable, it will be forwarded to the Councils of the Interior for final approval.

[illegible]

Notes

the date of the above to the date of the 15th day of August, 1900.

CR Bucklin

Report of the Commission to the Five Civilized Tribes, October 1897.

JOSEPH B. HENRY.

Joseph B. Henry

Shawnee, Indian Territory, August 1897. Henry B. Henry, Secretary of the Commission to the Five Civilized Tribes, Indian Territory, Oklahoma. I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours very truly,
J. B. Henry.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
10 1901

C O P Y.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 2, 1901.

In the matter of the application of Sampson Holson for the enrollment as citizens by blood of the Choctaw Nation of his minor children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson.

Sampson Holson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sampson Holson.
Q What is your age? A 56.
Q What is your post office address? A Wilburton.
Q Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A All my life.
Q You are a citizen by blood of the Choctaw Nation are you?
A Yes sir.

The name of Sampson Holson, 53 years old, appears upon Choctaw Roll card field number 3047.

- Q You now want to make application for enrollment as citizens by blood of the Choctaw Nation of Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel Holson? A Yes sir.
Q Are you the father of these children? A Yes sir.
Q What is the name of their mother? A Sallie Holson.
Q What was her maiden name? A Sallie Gann.
Q Was she a citizen by blood of any Nation in Indian Territory?
A She was a Cherokee.
Q Was she a recognized citizen of the Cherokee Nation at the time you were married to her? A Yes sir.
Q Do you know whether her name appears upon the rolls of the Cherokee Nation? A No sir.
Q When were you married to Sallie Gann? A About 1878.
Q Where were you married to Sallie Gann? A Sequoyah District, Cherokee Nation.
Q Were you living in the Cherokee Nation at the time of your marriage? A No sir; I was living in the Choctaw.
Q After you were married to Sallie Gann she accompanied you to the Choctaw Nation? A Yes sir.
Q Were the children named in the application born in the Choctaw Nation? A All except Sampson Sweeny Noel, were born in the Choctaw Nation; he was born in the Cherokee Nation.
Q You are the father of the children named in this application?
A Yes sir.
Q And Sallie Gann was the mother of the children named in this application? A Yes sir.
Q How long did Sallie Gann live with you in the Choctaw Nation?
A I think until sometime in 1893.
Q Does she now live with you in the Choctaw Nation? A No sir.
Q Are you and she divorced? A Yes sir.
Q Where does she live now? A At Gann, Cherokee Nation.
Q Where have the children named in this application resided since 1896? A At Gann, Cherokee Nation.
Q Have they been living with their mother? A Yes sir.
Q Have they ever lived in the Choctaw Nation with you? A Yes sir.

there come there and visit and stay with me two or three months and come back.

Q After they were born did they live with you and your wife Sallie Gann in the Choctaw Nation up to the time that you and she separated? A Yes sir.

Q Did the children named in this application draw the leased district money in the Choctaw Nation? Yes sir.

Q In what County? A Sugar Loaf County.

Choctaw pay roll for 1893 examined and in the records of Sugar Loaf County are found the names of Ida Holson, 9 years of age, Lula Belle Holson, 5 years of age, R. Holson, 2 years of age and S. S. Holson 8 months old. It appears from such records that Sampson Holson drew \$103.00 for each of the children named.

Q Have either of the children named in this application ever been listed for enrollment as citizens of the Cherokee Nation? A I don't know.

Q Do you know whether any application was ever made for the enrollment of these children named in this application for enrollment in the Cherokee Nation? A No sir.

Q By what court were you and Sallie Gann divorced? A First District Court of the Choctaw Nation.

Q Have you a copy of the decree of divorce issued by that court? A No sir.

Q Who procured the divorce - you or she? A I did.

Q To whom was the care and custody of these children awarded by the court at the time the divorce was granted? A To her.

Q How many children had you at that time living who were under unmarried and under 21 years of age? A They was all married unmarried and all under 21 years of age at that time.

Q Who took charge of these children after the divorce was granted; yourself or your wife? A Their mother.

Q Did your wife return to the Cherokee Nation after this divorce was granted? A Yes sir.

Q Did she take these children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson, with her? A Yes sir.

Q Has she had the care and custody of these children since that time? A Yes sir.

Q Are they still living with her in the Cherokee Nation? A Yes sir.

Q Who has supported and clothed these children since you and Sallie Gann were divorced? A Sallie.

Q Have you contributed anything towards the support of these children since you were separated? A Yes I gave them \$2000.00 when me and her was divorced.

Q You gave her \$2000.00 at that time? Yes sir to support the children with.

Q Was that a stipulation in the divorce proceedings? A Yes sir.

Q Have you ever contributed anything further to the support of these children than the amount stated by you? A Yes sir; sometimes.

Q Has it been a regular yearly contribution or given to them occasionally? A I just give it to them occasionally.

Q Have you been authorized in any manner by Sallie Gann to apply for the enrollment of these children as citizens of the Choctaw Nation? A Yes sir.

Q She wanted you to make application for the enrollment of these children as citizens of the Choctaw Nation? A Yes sir.

Q When did she make this request? A She requested me to make

Sampson Holson--3.

- application a long time ago; she told me day before yesterday the last time.
- Q That she wanted you to appear before the Commission and make application for the enrollment of these children? A Yes sir.
- Q Do you know whether or not Sallie Gann has ever made any effort to have these children enrolled as citizens of the Cherokee Nation? A She said it was -- and put in the doubtful card.
- Q Do you know when she made application? A No sir.
- Q You claim to have been married to Sallie Gann in the Cherokee Nation in 1878; did you take her to the Choctaw Nation in that year? A Yes sir.
- Q Was she ever recognized as a citizen of the Choctaw Nation and enrolled by the tribal authorities of the Choctaw Nation?
- A She was recognized by the Indians as an intermarried citizen.
- Q But you don't know that she was listed for enrollment by the tribal authorities? A No sir.
- Q If her name had been placed upon the tribal rolls of the Choctaw Nation would you have known it? A Yes sir.
- Q Did you ever make application to the tribal authorities of the Choctaw Nation for her enrollment? A No sir.
- Q Are you advised that the act of Congress approved June 28, 1898 provides that: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere"? A Yes sir.
- Q If it should be found that the applicants, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel ~~Harrison~~ Holson have been recognized and duly enrolled by the tribal authorities as citizens of both the Choctaw and Cherokee Nations as citizens of what Nation do you now elect to have them enrolled and take the allotment of lands and distribution of moneys? A In the Choctaw Nation.
- Q The decision of the Commission with reference to the application made by you for the enrollment of Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson, will be mailed to you at your post office address as given in your testimony.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on the 2nd day of October, A. D. 1901.

Clara Mitchell Wood.

Subscribed and sworn to before me this 2nd day of October 1901.

J. S. Dodson,
Notary Public.

I, Albert G. McMillan, stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a full and correct copy of the testimony taken in the matter of the application made by Sampson Holson for the enrollment as citizens by blood of the Choctaw Nation of his minor children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel Holson.

Albert G. McMillan

Subscribed and sworn to before me this 4th day of October, 1901.

J. H. Dodson
Notary Public.

RECORDED
INDEXED
OCT 10 1901
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

COMMISSIONER.

Respected and sworn to before me this 10th day of June, 1903.

QW 105

of his stenographic notes thereof. Just the above and foregoing is a true and accurate transcript of the testimony and proceedings had in the above styled cause, and Commission to the five Civilized Tribes, as correctly recorded in C. C. Bureau on October 1st, 1903.

and the same is closed.

The representative of the Cherokee Nation also submits the

A Yes sir.

The Commission for final consideration.

The Commission (addressing applicant): You submit this case to

A No sir.

Is there any other statement now you desire to make?

National Council or the Commission on Citizenship.

admitted to citizenship in the Cherokee Nation by the Cherokee

discharge that either the applicant or her two children were ever

Cherokee D. 105.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, February 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sallie Holson, for the enrollment of herself and children as citizens of the Cherokee Nation:

Appearances:

Applicant in person;
W. W. Hastings, attorney for the Cherokee Nation.

SALLIE HOLSON, being sworn and examined, testified as follows:

- Q What is your name ? A Sallie Holson.
Q Where do you live ? A Gans, Cherokee Nation, Sequoyah District.
Q Are you an applicant before this Commission for enrollment as a citizen of the Cherokee Nation ? A Yes sir.
Q You claim that you have been admitted to citizenship by the Cherokee National ---
A Why I claim---
Q Just wait a minute. By the Cherokee National Council ?
A Yes sir.
Q Did you ever write to the executive secretary at Tahlequah, and endeavor to obtain a copy---
A I did, and got a lawyer to attend to it for me, and paid him for it, but he never did get it for me.
Q Did you receive a certificate from the Council, or a copy of the Act when they admitted you ? A No sir, I never got none.
Q In what year and in what month do you claim to have been admitted to citizenship ?
A In 1893, in November.
Q Have you been living here continuously since that time ?
A Yes sir I have been living ever since that time right at Gans. I was born and raised in the Cherokee Nation.
Q What is the name of your husband ? A Samuel Holson.
Q Is he living or dead ? A Dead.
Q Was he a recognized citizen of the Choctaw Nation ?
A Yes he was a citizen of the Choctaw Nation.
Q Your children, have they been recognized as citizens of the Choctaw Nation.
A No sir, my husband tried to get them on the roll, but he died and never got them through.
Q Didn't you draw money for these children in the Choctaw Nation ?
A I did when we lived over there at one time.
Q You drew in the payment of 1893 for the children did you not ? The payment of 1893; the "Leased District" payment ?
A Yes sir I drew some money.
Q Now have either you or your husband ever made application to this Commission for the enrollment of your children as citizens of the Choctaw Nation ? A He did last fall, or was going to, but he died, and it never was done. He come up here the last of September or the first of October in the fall just before he died.
Q Did your husband ever make application for your enrollment as a citizen of the Choctaw Nation by intermarriage ?
A No sir he never did.
Q Are you advised that the Act of Congress approved June 28, 1898, contains this provisions:
"The several tribes may, by agreement, determine the right of

persons who, for any reason, may claim citizenship in two or more tribes, and to allotment of lands and distribution of monies belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and shall be given such allotment and distributions, and not elsewhere"? Now what is your answer to that?

A Yes sir, in the Cherokee Nation.

Q If it should be found that your children Ida N. Holson, Lula B. Holson, William H. Holson and Samuel Holson, have been recognized and duly enrolled by the tribal authorities as citizens of both the Choctaw and Cherokee Nations, as citizens of what nation do you now elect to have them enrolled, and take the allotment of lands and distributions of monies?

A I want them enrolled in the Cherokee because it will be nearer my allotment, and we can have them all together.

Q Did your husband Samuel Holson appear before this Commission in October and elect to have these children enrolled as citizens of the Choctaw Nation?

A Yes sir he did; he come up here, but I don't remember whether it was in September or October, and he said he made application before the Commission, but said he didn't know whether they would be put on the Cherokee roll or not; or whether they would be put on the Choctaw roll or not.

Q Suppose they can be enrolled as citizens of either of these two nations, which one do you want them enrolled in?

A To have them nearer home I would rather have them enrolled in the Cherokee Nation. My husband is dead now, and I wouldn't let them live over there, and I want them here with me in the Cherokee Nation. I am the only guardian for the children.

Q Is there any other statement Mrs. Holson that you desire to make relative to your enrollment, and that of your children?

A I have got some more children.

Statement by the Commission: They must apply for themselves.

Q Is there any other statement that you want to make relative to your enrollment? Is there anything else you want to say?

A No sir, I believe not.

ANDREW RUSSELL, being duly sworn, testified as follows:

Q How old are you? A I am 58, going on 59.

Q What is your name? A Andrew Russell.

Q What is your post office address? A Gans, Indian Territory

Q Are you acquainted with the applicant in this case, Sallie Holson?

A Yes sir.

Q How long have you known her? A About 40 years.

Q Are you related to her in any way? A No sir.

Q Did you know her father and mother? A Yes sir.

Q Do you know where she was born? A Yes sir.

Q Where? A In Flint District, Cherokee Nation.

Q How long did she continue to reside there after her birth?

A She lived there with her father and mother until the war, and then they went over about the Texas line of the Choctaw Nation, and then moved back here in Sequoyah District, and lived about three-quarters of a mile from me until she married.

Q When was that? Do you know when she married?

A It was somewhere in 1876 or 1878, I don't remember the date, but it was somewhere in the 70's.

Q Where did she go after her marriage? A To the Choctaw Nation.

Q How long did she continue there? A I can't say.

Q When did you next see her after her marriage?

A When she come back.

Q Do you know about when that was ? A In 1892 or '93.
 Q Was that the first time you had seen her after her marriage ?
 A No sir, she would come over and visit her father during that time.
 Q What was her father's name ? A George Gans.
 Q Is he living or dead ? A He is dead.
 Q What was her mother's name ? A Mary Ann Coy.
 Q Were her father and mother both Cherokees ? A Yes sir.
 Q Have they always lived in the Cherokee Nation ? A Yes sir.
 Ever since I have known them.
 Q How long have they been dead ? A Can't tell how long; good while though. Her mother, I think, has been dead about 20 years; near-about 20 years.
 Q How long has her father been dead ? A About 12 or 14 years.
 Q The names of the father and mother are both on the 1880 roll ?
 A I don't know. She may have died a few years before that. It may have been in 1878. She lived within a half a mile of me when she died.
 Q What district did her father and mother live in ? A Sequoyah.
 Q Did they always live there ? A Since the war pretty much all the time, if I remember right.

Examined by Mr. Hastings, attorney for the Cherokee Nation:

Q What was her father's name ? A George Gans.
 Q Had a brother named Tol ? A Yes sir. Called him Elias Gans, I believe, her eldest brother. George Gans was a brother of Mrs. Adair; old lady Adair.
 Q How old would applicant's father be if he were living now ?
 A I can't tell you; I didn't know his age. He was a grown man and had three children when I first got acquainted with him.
 Q Did applicant have any brothers or sisters ?
 A Had one sister living in Flint District.
 Q Have any brothers ? A Had a half-brother.
 Q What was his name ? A If I remember right his name was Miller.
 Q Did you ever know a man by the name of Thomas Gans ?
 A I knew Tom down there, the old man's son.
 Q This woman's brother ? A Yes sir.

The Commission: The authenticated roll of citizens of the Cherokee Nation examined and on page 699, #553, in Sequoyah District, appears the name of George Gans, who is fully identified as the father of the applicant in this case.

Examined by the Commission:

Q Do you know whether this woman ever applied to the Cherokee Council for re-admission after she came back from the Choctaw Nation?
 A It is the understanding I got from her and other parties. I just got it from other parties; don't know personally about it.
 Q Is there any other statement you desire to make relative to the enrollment of the applicant Sallie Nelson ?
 A No sir, nothing more that I know of. In regard to the applicant I know this: I know that she put in a claim and got Dave Clark to attend to it for her to get her re-admitted as a citizen of the Cherokee Nation by the Council. Whether he done that I don't know. I wrote to the Secretary myself, and there wasn't nothing on the roll.
 Q You wrote to the Secretary of the Cherokee Nation ?
 A But he said there wasn't anything done there. I found out afterwards he never got any copy--

The records of the Cherokee Nation examined, and fail to

disclose that either the applicant or her two children were ever admitted to citizenship in the Cherokee Nation by the Cherokee National Council or the Commission on Citizenship.

Q Is there any other statement now you desire to make ?

A No sir.

The Commission, (addressing applicant): You submit this case to the Commission for final consideration ?

A Yes sir.

The representative of the Cherokee Nation also submits the case; and the same is closed.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above styled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Holson et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Sallie Holson et al.,	Cherokee D-105,
Mollie A. Seabolt	Cherokee D-120,
Minnie Russell,	Cherokee D-136.

O R D E R.

It appears from the record in this case that on August 9, 1900, Sallie Holson appeared before this Commission at Sallisaw, Indian Territory, and made application for the enrollment of herself and minor children, Ida M., Lula B., William and Samuel Holson, as citizens by blood of the Cherokee Nation; that on October 2, 1901, Sampson Holson, father of above named minor applicants, appeared before the Commission at Muskogee, Indian Territory, and elected to have said minor applicants enrolled as citizens by blood of the Choctaw Nation; and that, under date of September 21, 1903, this Commission received from the said Sallie Holson, a letter requesting that said above named minor applicants be listed for enrollment as Cherokees by blood.

It further appears that on August 14, 1900, John E. Seabolt appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Mollie A. Seabolt, as a Cherokee by blood; that on October 2, 1901, the said Mollie A. Seabolt appeared before the Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that, under date of May 5, 1902, this Commission received from the said Mollie A. Seabolt a letter requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

It further appears that on August 16, 1904, George Russell appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Minnie Russell, as a citizen by blood of the Cherokee Nation; that on October 7, 1901, the said Minnie Russell appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that subsequently a letter was received by this Commission, from the said Minnie Russell, requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

The record further shows that after ample time having been afforded the said above named applicants to appear before this Commission and, under oath, recollect in which Nation they desire to be enrolled, they have failed to do so, and it is, therefore, ordered that this case be closed, and a decision be prepared in conformity to the law applicable to the facts established by the evidence now of record herein.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Commissioner

Muskogee, Indian Territory,

November 9, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R. H. B.

In the matter of the application for the enrollment of
Sallie Holson et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Sallie Holson, et al.,
Mollie A. Seabolt,
Minnie Russell,

Cherokee D-106,
Cherokee D-120,
Cherokee D-136.

-:-

DECISION.

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission by Sallie Holson for herself and minor children, Ida M. Holson, Lula B. Holson, William Holson and Samuel Holson; by John E. Seabolt for himself and wife, Mollie A. Seabolt; and by George Russell for himself and wife, Minnie Russell. As the applicants John E. Seabolt and George Russell have been heretofore disposed of, and their names now appear upon a partial roll of citizens by blood of the Cherokee Nation, duly approved by the Secretary of the Interior, they will not be embraced in this decision.

From the records in the possession of this Commission it further appears that on October 2, 1901, Sampson Holson, the father of the above named minor applicants, appeared before this Commission at Muskogee, Indian Territory, and elected to have said above named minor applicants enrolled as citizens by blood of the Choctaw Nation; that on October 2, 1901, the applicant, Mollie A. Seabolt, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that on October 7, 1901, the applicant Minnie Russell, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation. Thereafter, letters were received by this Commission from the applicants Sallie Holson, Mollie A. Seabolt and Minnie Russell, respectively, requesting that the above named minor applicants and the said Mollie A. Seabolt and Minnie Russell, be listed for enrollment as Cherokees by blood. Whereupon, further time was granted said applicants to appear before this Commission and, under oath, re-elect in which Nation they desired to be

enrolled, and upon their failure to so appear and elect, this case was ordered closed.

The evidence herein shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory, the major portion of her life having been spent in the Cherokee Nation, and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that the applicants, Ida M. Holson (Ida May Holson), Lula B. Holson (Lula Belle Holson), William Holson (William H.H. Holson), Samuel Holson (Samuel S.M. Holson), Mollie A. Seabolt (Mollie Ann Seabolt), and Minnie Russell, are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior May 9, 1904, at Nos. 15540, 15541, 15542, 15543, 15544 and 15545, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Ezekiel C. McLaughlin (I.T.D. 7538-02), Mary J. Williston (I.T.D. 7539-02), Sarah R. Murphy (I.T.D. 1106-03), Samuel H. Keys (I.T.D. 7945-1378-02), David C. Dushane (I.T.D. 2800-03), and Iram Blackfish (I.T.D. 2840-03), Sallie Holson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Ida M. Holson, Lula B. Holson, William Holson, Samuel Holson, Mollie A. Seabolt and Minnie Russell, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Dixby

Chairman

T. E. J.

Commissioner

Muskogee, Indian Territory,

Commissioner

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 105.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 11, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that Sallie Holson has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, February 11, 1904, for the purpose of making an election for the enrollment of her children, Ida M., Lula B., William and Samuel Holson, for whom application has heretofore been made by her for enrollment as Cherokees by blood, and by their father for enrollment as Choctaws by blood. This notice is given you in order that you may be present at that time and represent the interests of the Cherokee Nation.

Respectfully,



Commissioner in Charge.

7
COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING:
Cherokee D-105,

120, 136.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed an order of the Commission dated November 9, 1904, directing that a decision be prepared in the consolidated case of Sallie Holson, et al., in conformity to the law applicable to the facts established by the evidence now of record in said case.

Respectfully,

Incl. S-43.


Chairman.

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
WM. O. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

560

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-105
ET AL.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 13, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

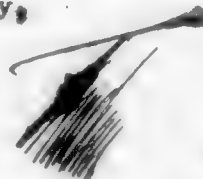
Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, granting the application for the enrollment of Sallie Holson, and rejecting the applications for the enrollment of Ida M., Lula B., William, and Samuel Holson, Mollie A. Seabolt and Minnie Russel, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 1-25.



Chairman.

(C O P Y)

Land
19272-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 24, 1905

The Honorable,

The secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Sallie Holson for herself and her minor children, Ida V., Lula B., William and Samuel Holson; by Mollie A. Seabolt for herself and by Minnie Russell for herself.

February 13, 1905, the Commission decided favorably to Sallie Holson and adversely to all the other applicants/

The record shows that on October 2, 1901, Sampson Holson father of the minor applicants appeared before the Commission and elected to have them enrolled as citizens by blood of the Choctaw Nation; that on the same day Mollie A. Seabolt so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation and that on October 7, 1901, the applicant, Minnie Russell, so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation.

Thereafter letters were received by the Commission from the applicants, Sallie Holson, Mollie A. Seabolt and Minnie Russell requesting that the minor applicants and Mollie A. Seabolt and

Minnie Russell be listed for enrollment as Cherokees by blood. It further appears that opportunity was afforded the applicants to appear and, under oath, re-select in which Nation they desired to be enrolled, but no further steps were taken by them. The record further shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian territory and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896. The record further shows that all the other applicants are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Department May 9, 1904.

In view of the record the approval of the Commission's decision favorable to Sallie Holson and adversely to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.

W.

(C O P Y)

D.C. 48235-1905
I.T.D. 3086-1905

Y.P.
FHE

L R S

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Gallie Holson, et al., as citizens by blood of the Cherokee Nation, including its decision of February 13, 1905 granting the application for the enrollment of Gallie Holson, and rejecting the applications for the enrollment of Ida M., Lula B., William and Samuel Holson, Mollie A. Seabolt, and Minnie Russel.

Reporting March 24, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Enclosure #100,
122, and 124.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes granting the application of Sallie Holson for the enrollment of herself, and rejecting her application for the enrollment of her four minor children, Ida M., Lula B., William, and Samuel Holson, and rejecting the applications for the enrollment of Minnie Russell, and Mollie A. Seabolt, was affirmed by the Secretary of the Interior on October 16, 1905.

A copy of Departmental letter is inclosed you herewith.

Respectfully,

Incl. GL-80.
CHL

Commissioner.

CP 107

IN THE MATTER OF THE APPLICATION OF

Scyllia Holson & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A- Original testimony- August 9, 1900
- B- mem^o of application. " 9, 1900
- C- careful copy of deos 7 & 8. Act April 15, 1898.

X testimony of Oct 2, 1901, from
X Holston & Simpson.

Notice of final consideration

X Supplemental testimony and order closing
testimony 2/18/02

Cancelled and No. 1 transferred to
Cherokee 10954 and Nos. 2 to 5 incl.
transferred to Cherokee R-973

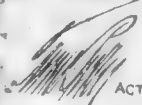
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED +
AUG 13 1900


ACTING CHAIRMAN.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I. T., JANUARY 19th, 1900.

IN THE MATTER OF THE APPLICATION OF WILLIAM EDWARD WILCOX Sr.,
and son, FOREMAN WILCOX, for enrollment as citizens of the Cherokee Nation, and WILLIAM EDWARD WILCOX Sr., being sworn by Commissioner, O. R. BRIDGEMAN, testified as follows:

- Q What is your name? A William Edward Wilcox Senior.
Q What is your age, Mr. Wilcox? A Sixty two in November last.
Q What is your Postoffice? A Sallisaw.
Q What is your District? A Sequoyah.
Q For whom do you apply for enrollment now? A I have one minor son.
Q Do you apply for your own enrollment? A Yes sir; I have a certificate here from the Dawes Commission.
Q You apply then for yourself and one child, do you?
A Myself and one son.
Q That is all? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood?
A By adoption or by edict of the Dawes Commission.
Q You have been admitted by the Dawes Commission, have you?
A Yes sir.
Q Have you any paper there from the Dawes Commission? A Yes sir (Applicant hands paper to Commissioner)
Q Mr. Wilcox, how long have you lived in the Cherokee Nation?
A I have lived here since December, 1899, I believe, or January 1890.
Q Have you lived in the Cherokee Nation continuously since 1899?
A Yes sir.
Q Mr. Wilcox, were you married at the time you filed your application, September 7th, 1899, before the Dawes Commission? A Yes sir.
Q Was it through that wife that you claimed citizenship by adoption? A No sir.
Q It was by a former wife was it? A Yes sir.
Q Are you still married to the same wife you were then? A Yes sir.
Q She is still living? A Yes sir.
- By Mr. W. W. Hastings, Cherokee Representative:
Q Mr. Wilcox, who was your wife, in 1899? A She was Nancy J. Blackman, now Lattimore.
Q Was she a Cherokee by blood? A Yes sir.
Q Is she living now? A Yes sir.
Q I understand then she is dead? A Yes sir.
Q When did she die? A In 1896, I think, the 22nd of August; she is buried right across the prairie over here.
Q You assumed your rights of intermarriage then through your marriage with her, did you? A Yes sir.
Q Have you married since the death of your former wife, Nancy J. Wilcox? A Yes sir.
Q When did you marry? A I think it was the 18th of February, '99.
Q When did you marry that time? A I married a Miss Harrison.
Q Give her full name? A Martha Frances Harrison.
Q Is she a citizen of the Cherokee Nation? A No sir.
Q Citizen of the United States? A I reckon so.
Q She was, was she? A I can not say.
Q She was not a recognized citizen of the Cherokee Nation?
A No sir.
Q You are living with her at the present time? A Yes sir.
Q Were you ever examined before the Cherokee Court where a question of losing the forfeiture of your rights to citizenship was tried? A Yes sir.
Q About when was that? A I think it was in 1896.
Q What was the result of that determination? I never attended Court.
Q Why did you not attend? A I did not think it was right.

Q You were not advised of the decision? A No sir.
 Q You never knew what the decision was? A I heard from outside persons; I did not attend Court at all.

By The Commission:

Q What is the name of your minor child, for whom you wish to apply? A Foreman Whitsett.

Q How old is that child? A He is eighteen. The fourteenth of last February; he will be nineteen this coming February.

Q Is that child on any of the rolls of the Cherokee Nation?

A He is on all since his birth.

Q On the 1894 and 1896 rolls? A Yes sir.

Q Is he the child of your deceased wife? A Yes sir.

Q Was your deceased wife on the roll of 1890? A Yes sir.

Q What was her name? A Mary J. Whitsett.

Q Was she on the roll of 1890 as Whitsett? A Yes sir.

Q What District was she from? A Sequoyah.

Q She died before the roll of 1894, did she not? A Yes sir.

Q This child is living at this time; living with you? A Yes sir.

(Applicant's deceased wife identified on the roll of 1890, Page 727

1878, as Mary J. Whitsett - dead - Sequoyah District)

(Foreman Whitsett identified on the roll of 1894, Page 1001, 1890

Sequoyah District)

(On the roll of 1896, Page 1110, 1894, Foreman Whitsett, Sequoyah District)

Q Is this boy, Foreman Whitsett living? A Yes sir.

Q Mr. Whitsett, I understood you in answering questions asked in the early part of your examination, to say that you claimed your right as an adopted citizen of the Cherokee Nation through your marriage to your present wife? A No sir, you were mistaken.

Q That is not the case, then? A No sir, it was through my first wife.

Q And you now say that wife is dead? A Yes sir.

Q And when did she die? A It was either the 23rd of August, 1886, or 1887.

Q And when did you marry your present wife? A In 1891.

Q And you make no claim to Cherokee citizenship through this wife? A No sir.

Now Mr. Whitsett, the record of this Commission shows that you filed your application for admission to citizenship in the Cherokee Nation September 7th, 1894; your case was carried to the United States Court, and there decided in your favor, the Court decreeing that you were a citizen by adoption. The representative of the Cherokee Nation, present, states that there are some features in connection with this case that the Commission should be considered in the present state of the case, of the law. The Commission is not prepared at this moment to go into that phase of the question. The Commission already understands your own contention that ample opportunity was given to the Cherokee Nation, and its representatives to present their side, before your rights were determined by the United States Court; and that the decision of that Court, now and at all future times, be considered as final. Without intending any weakness in your position, or any strength in the requests of the Representative of the Cherokee Nation, but simply to give opportunity to consider this matter, as it may be presented under more favorable conditions for consideration. The decision of the Commission, as to your enrollment, will not be rendered just at this time. As the case now stands, there is no objection whatever to your enrollment, and if any thing is developed unfavorable to you, you will be given ample opportunity to meet it, before any adverse action will be taken by the Commission.

Now Mr. Whitsett, the mother of your boy, Foreman Whitsett, is duly identified on the roll of 1890, and he himself on the roll

Hastings

Cherokee D 106

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Edmund Whitsett, Senior, as a citizen by intermarriage of the Cherokee Nation.

ORDER.

The record in this case shows that on August 10, 1900, William Edmund Whitsett, Senior, appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. The application included his son, but he is listed for enrollment on Cherokee Roll Card Field No. 1194.

The evidence shows that the said William Edmund Whitsett, Senior, died on the 5th day of April, 1901.

It is, therefore, ordered by this Commission that the application for the enrollment of William Edmund Whitsett, Senior, be dismissed without prejudice as to any future action which may be deemed necessary and proper.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this _____

SPY

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 106

Muskogee, Indian Territory, July 29, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dismissing the application of William Edmund Whitsett, Sr., for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Yours truly,


Commissioner in Charge.

Enc. C. No. 122.

DEED

IR

10

IN THE MATTER OF THE APPLICATION OF

William E. Whitsett Jr.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony. August 10. 1900
B. Mem^o of application. 10. 1900
C. Death cert. W^m E Whitsett.

Consolidated and transferred
to the Cherokee Index


See Cherokee Index

Cher D 107

Cher D 107

D107.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 17 1900


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 10, 1900.

In the matter of the application of Nicholas D. Porter for the enrollment of himself and children as Cherokees by blood and his admission as Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your full name? A Nicholas D. Porter.
Q What is your age? A 32.
Q What is your post office, Mr. Porter? A Fort Smith at present.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Does your name appear upon the Cherokee rolls? A It does, on the 1884 roll, and I was re-admitted in 1875, or my mother was.
Q Have you got a certificate? A Yes, sir.
Q What district do you live in? A I registered in Tahlequah district.
Q Where do you live? A I am at present living in Fort Smith.
Q How long have you lived in Fort Smith? A I was born there.
Q Have you lived there ever since? A No, sir, I have lived in the Territory, worked in the Territory, I have worked here off and on all my life.
Q Are you a married man? A Yes, sir.
Q Where is your actual residence now, Mr. Porter? A I would have to say Fort Smith.
Q Your family live there? A Yes, sir, they are there now.
Q Has your family ever lived in the Territory? A Yes, sir.
Q When did they live here? A They came here in 1891 from North Carolina, and they lived here off and on until 1894.
Q Where did you and your family live in the year 1898? A My wife was either in Prior Creek or Grove, and I was in Little Rock.
Q Where was her residence, was she keeping house there? A No, sir, she was living with her mother.
Q The fact is, you never have lived in the Territory any? A Yes, sir I have.
Q You were not living here on what 28th day of June, 1898? A No, sir.
Q And you haven't lived here since? A No, sir.
Q What is your occupation? A I am a printer.
Q What is the name of your father? A My father is William A. Porter, my mother was the Indian.
Q Is your father living? A No, sir.
Q Was he a citizen? A No, sir.
Q What was your mother's name? A Mary Jane Cox.
Q What was her married name? A Mary Jane Porter.
Q Is she a citizen by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q Where does she live? A She is living at Fort Smith, and has lived there all her life, ever since she was 16 years old, she is on the old settlers' roll and also on the 1894 roll.
Q The rolls do you name appear upon? A I think it is on the rolls of 1880 and 1884.
Q What district were you in in 1880? A Canadian.
Q Your wife was a non citizen? A No, sir.
Q Is she a citizen by blood? A Yes, sir.
Q What is her name? A Lissie.
Q What was her name before you married her? A Lissie Kidd.
Q When did you marry Lissie Kidd? A In 1895.
Q What is her age? A 24.
Q Have you any children? A One.
Q What is its name? A Edward H.
Q How old is it? A 16 months.
Q Is your wife living? A Yes, sir.
Q What district were you in when you drew your str 2 money? A At Tahlequah.

Nicholas D. Porter - 2.

(On 1884 roll, page 112, No. 3337, Nicholas Porter, Tahlequah dist. Not on 1880 roll, or on 1886 roll.)

Mr. W. W. Hastings, representative of Cherokee Nation: Where were you born? A Fort Smith.

Q Were you ever admitted to citizenship in the Cherokee Nation?

A That is the time I got this paper, and I was enrolled, is all.

Where were you living in 1884? A Fort Smith.

Q When did you move to Tahlequah? A I went there in 1886 or 1890, 1890 I think.

Q How long did you live there? A I lived there about four years and a half.

Q Where did you go from there? A I went from there to Fort Smith.

Q Where are you living now? A Fort Smith.

Q Has your wife been on any of the rolls of the Cherokee Nation?

A Yes, sir, she is on that 1884 roll.

Q Is she on the 1886 roll? A No, sir.

Commissioner Huddles: A She is not on the 1880 roll either? A No sir.

Mr. Hastings: Was she ever admitted to citizenship in the Cherokee Nation? A She was by that citizenship court, Judge Custer was the judge of it.

Q Have you got a certificate of it? A No, sir.

Q Did she draw money in 1884? A Yes, sir.

Q Were you married to her then? A Yes, sir.

(On 1884 roll, page 450, No. 2325, Lizzie Porter, Delaware dist. Upon examination of the authenticated roll of 1880 the name of Nicholas D. Porter is not found, neither is his name found upon the roll of 1886. The name of his wife, Lizzie Porter, nee Kidd, is not found upon the rolls of 1880 or 1886.)

The name of Nicholas D. Porter and his wife are not found upon the authenticated roll of 1880 or the roll of 1884, but his name is found on the roll of 1884, and his wife is found on the roll of 1884. He avers that he was married to said Lizzie Kidd January 26, 1884, and by said marriage has a child, Edward H., 16 months old. No certificate of admission is presented either for himself or for his wife. He does not present a certificate signed by R. T. Hanks, Assistant Executive Secretary, under the seal of the Cherokee Nation, dated January 16, 1893, certifying that Mary Jane Porter was readmitted to the rights and privileges of Cherokee citizenship under an Act of the Nation Council on December 16, 1870, as appears of record in the Executive Department of the Cherokee Nation. The name of his mother, Mary Jane Porter, does not appear upon the authenticated roll of 1880. He does not make satisfactory proof as to his residence, neither of himself, nor of his wife and child. Final judgment as to the enrollment of the said Nicholas D. Porter and his wife Lizzie and his child Edward H. will be suspended, and their names will be placed upon a doubtful card. He will be notified by mail of the decision of the Commission when it is finally determined, whether it is adverse or favorable to him. The record herein made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of the Cherokee Nation are forwarded. Any further proof that the said applicant desires to make will be received by this Commission at any time before the final decision is made. His child, Edward H., having been born since the compilation of the rolls, his name does not appear. His name will be placed upon a doubtful card when proper proof of its birth is filed with this Commission.

Nicholas D. Porter - 8.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 15th day of August, 1900.

M. D. Porter
Commissioner.

10104

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 11 1902

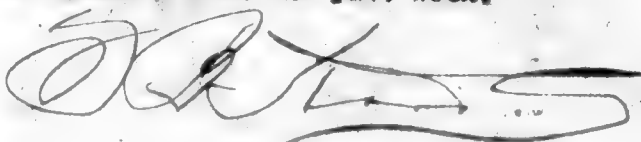
A. T. CHANDLER

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1908.

In the matter of the application of Nicholas D. Porter for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1908, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said day appear before the Commission and offer any additional testimony affecting his case. He was especially requested to supply the Commission with a certificate as to the admission of his wife, Lizzie, to citizenship in the Cherokee Nation. Also an affidavit as to the birth of his child. Receipt has been acknowledged of the Commission's letter. The applicant has been called three times, but fails to respond either in person or by attorney, and the case is closed.

By W. W. Hastings, Cherokee Representative: The representative of the Cherokee Nation suggests that the newspapers of this week stated that Nicholas D. Porter himself died the past week.



Commissioner.

Cherokee D 107.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nicholas D. Porter, Lizzie Porter and Edward H. Porter, as citizens
by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900, Nicholas D. Porter appeared before the Commission at Ballisaw, Indian Territory, and made personal application for the enrollment of himself, his wife Lizzie Porter, and their minor son Edward H. Porter, as citizens by blood of the Cherokee Nation.

The evidence shows that Nicholas D. Porter was born in Fort Smith, Arkansas, and at the time of this application was 33 years of age. It is further shown that his mother was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation in 1870; that neither she nor Nicholas D. Porter are identified on the Cherokee Authenticated Tribal Roll of 1880. It is also shown that at the time of the taking of said roll, he was in Fort Smith, Arkansas. He is, however, identified on the Cherokee Strip Payment Roll of 1894, as is also his wife Lizzie. The testimony further shows that on April 11, 1902, there was mailed to Nicholas D. Porter a registered letter, wherein he was requested to supply the Commission with the certificate of readmission of himself, a certificate of his marriage, and also an affidavit of birth of his son Edward H. To this communication he has remained silent.

It further appears that about the middle of the year 1894 he removed from the Indian Territory with his family, and had not returned prior to June 28, 1898. At the time of this application they were residents of Fort Smith, Arkansas.

Paragraph 9 of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;-----"

It is, therefore, the opinion of this Commission that the application for the enrollment of Nicholas D. Porter, Lizzie Porter and Edward H. Porter as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James D. Luby.

Acting Chairman.

W. H. H. H.

Commissioner.

W. H. H. H.

Commissioner.

Muskogee, Indian Territory,

this DEC - 1 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NICHOLAS D. PORTER as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, No Appearance.

For Cherokee Nation, L. B. Bell on behalf of W. W. Hastings.

JAMES DeBAUN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James DeBaun.
- Q How old are you? A 33.
- Q What is your post office? A Fort Smith, Arkansas.
- Q You are a United States citizen? A Yes sir.
- Q Did you know Nicholas D. Porter, who is now dead? A Yes sir.
- Q Was he any relation of yours? A He was a full cousin.
- Q Was your mother and his mother sisters? A Yes sir, full sisters.
- Q He has been dead now over three years? A Yes sir, I think so.
- Q He claimed to be a Cherokee by blood did he? A Yes sir.
- Q Do you know about his residence from the time of his birth until the date of his death? A Part of the time he was here and part of the time in the Territory.
- Q Do you know where he was born? A Yes sir, he was born here at Fort Smith.
- Q Do you know when he moved to the Indian Territory the first time?
- A Well that was sometime before the payment, I think he went there in 1893 or '92, it was either one or two years previous to the payment.
- Q Do you know how long he continued to live there? A No sir, you see he was a newspaper man and a good deal of his time before he went to live there he was up there, he worked at different printing offices around through the Cherokee Nation, but the time he lived there I couldn't tell you, because the time he was there I was out of town, I went away and stayed away four years. We never made any attempt to take any part in any payment except the old settler payment. Mr. Wisdom was Indian Agent at that time and he knew my mother was a Cherokee and he put her on the roll and she drew old settler money. I never made any claim or anything but he had. Him and his mother both, I think, had taken some steps to establish their claim but we never did on our side of the family.
- Q Your mother never took any steps to establish her right to enrollment as a Cherokee citizen? A We had some papers at one time and the Dawes Commission, or some Commission, was at Fort Gibson and I took the papers up there and they didn't pay much attention to them and I didn't press them at all. That is the only interest we ever taken in it, but him and his mother both previous and after his marriage tried to establish their claim, and in fact both did draw money. They drew the strip money and also drew the old settler money, his mother did. I think they drew their Strip money at Webbers Falls.

- Q Did Nicholas D. Porter spend the most of his life in Fort Smith?
A You might say yes.
- Q Did he vote here? A I think so.
- Q Did he exercise the right of suffrage the same as any other citizen? A Well now I will say that up until the time that he went to the Cherokee Nation in 1893 or '92, but then I think he taken up his residence in the Cherokee Nation, but whether he voted, I don't know, he came back after that, but whether he ever took up his rights after that, I don't know, or if he took up his rights in the Cherokee Nation I would not say, but he got his money in the Cherokee Nation. Whether he was a recognized citizen of the Cherokee Nation to get it, I don't know. At that time it was almost the same time that Mr. Wheeler up here atallisaw left. This Porter family left at about the same time, that is Nick did, but I don't think his mother when at that time but afterwards.
- Q Did he move from Fort Smith to the Cherokee Nation? A To the best of my knowledge he did, along about that time I was in and out for four years, I was hardly in Fort Smith at all.
- Q Do you know whether he took charge of any property over in the Cherokee Nation? A I understood he took charge of the printing office at Tahlequah.
- Q Do you know the name of the printing office? A No sir, I don't. I took such little interest in it myself that I never paid much attention to what he was doing.
- Q Do you know of your own personal knowledge whether he ever voted in the Cherokee Nation? A No sir, I don't.
- Q Do you know of your own knowledge whether he ever took up any claim on the public domain of the Cherokee Nation? A No sir, I don't, the only thing as I told you before in regard to him being in the country was him getting the strip money.
- Q Where did he live at the time of his death? A Here.
- Q He was a married man? A Yes sir.
- Q Were his children living at the present time? A He has one child.
- Q Do you know its name? A Edward.
- Q Is it living at the present time? A Well it was, I can say yes, I would have heard of its death if it died.
- Q Does the child live in Fort Smith? A No sir, the last time I heard of its mother she was in Kansas City.
- Q After the death of Nick Porter did his widow continue to live in Fort Smith? A No sir, she didn't stay a widow long, she married a man and I think she went to Memphis and from there back here, and then to Kansas City. I think he married in Tahlequah.
- Q Do you know whether his widow ever returned to the Cherokee Nation after his death? A No sir, I don't. As to what she done after his death I couldn't tell you a thing.
- ~~WOMAN'S MOTHER~~
- Q Is your mother named Mary Jane Porter? A No sir, my mother was named DeBaun.
- Q Is your mother a sister of Mary Jane Porter? A Yes sir.
- Q She is dead at this time? A Yes sir.
- Q Was Mary Jane Porter the mother of Nicholas D. Porter? A Yes sir.
- Q Did Nicholas D. Porter have any brothers and sisters? A He had one that died long ago, before I was born.
- Q He has none living at this time? A No sir, none at all.
- Q What did Nicholas D. Porter do while living in Fort Smith? A He was a printer, that was his trade, a newspaper man.
- Q Do you know where he ever worked besides at Tahlequah and Fort Smith? A Why he has undoubtedly worked at Webbers Falls and Fort Gibson, and several other place, he was all through the Territory. I am satisfied, while I couldn't say positively, he worked in 10 or 12 different towns in the Territory, until he got settled in Tahlequah I suppose he worked all over it.

- Q Do you know of any other towns he worked in outside of Fort Smith that was out of the nation? A I know he worked in Little Rock, and at Dallas and I think at Pine Bluff.
- Q Do you know how long he lived in Little Rock? A No sir, that was before he went to the Territory. I don't think after he came back here from the Territory he ever left.
- Q Do you know when he returned to Fort Smith from the Cherokee Nation? A It must have been in 1895 or '96, somewhere along about that time, it was after the payment.
- Q Then from the time he returned to Fort Smith did he live in Fort Smith continually until his death? A Until his death.
- Q I believe you state he was a first cousin of yours? A Yes sir, a first cousin of mine.

BY MR. WELLS:

- Q Did you ever know Jack McCoy? A Yes sir, I knew him well. When he was buried a walking stick I gave him was put in the coffin with him, he thought so much of it. My mother would have never got old settler money if it hadn't have been for Mr. Wisdom at that time, because I suppose he knew they undoubtedly had Cherokee blood.

ON BEHALF OF THE COMMISSIONER:

- Q Your mother drew old settler money? A My mother I think drew old settler money twice.
- Q Do you know whether the mother of Nicholas D. Porter drew old settler money? A Yes sir.
- Q Did she draw the same as your mother? A Yes sir, I think both of them drew twice.

BY MR. WELLS:

- Q They drew in 1861 and here 5 or 6 years ago? A Yes sir, it was after the strip payment, \$150.00 some odd dollars if I am right.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know whether Nicholas D. Porter, or his mother was ever admitted to citizenship by the Cherokee National Council or Commission on citizenship or by the Dawes Commission? A No sir, I don't.
- Q Do you know whether he ever took up any farm in the Cherokee nation on the public domain? A No sir, I don't.
- Q Do you know whether he ever purchased any place or exercised control of any place in the Cherokee nation? A No sir.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 16th day of February, 1906.

B. P. Rasmus
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NICHOLAS D. PORTER, ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicant Lizzie Miller, formerly Lizzie Porter, present in person.

For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that this case was set for hearing on March 8, 1906, and that on motion of the Commissioner the same was continued until March 29, 1906, at which time the following proceedings were had.

LIZZIE MILLER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Lizzie Miller.
Q How old are you? A I will be 26 the 5th day of June.
Q What is your post office? A Parsons, Kansas.
Q What is the name of your father? A J. C. Kidd.
Q Is he dead? A Yes sir.
Q What is the name of your mother? A Elrilda Caudill.
Q Is she living? A Yes sir, she was about a month ago.
Q Have you a child? A Yes sir.
Q What is its name? A Edward H. Porter.
Q Is the child living? A Yes sir.
Q Were you formerly the wife of Nicholas D. Porter? A Yes sir.
Q He is dead? A Yes sir.
Q An affidavit has been filed showing his death on February 4, 1902, is that the correct date? A Yes sir, that is correct.
Q When were you and Mr. Miller married? A The 14th day of September Three years ago the 14th day of last September.
Q What is your husband's full name? A Murrell Miller.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Where were you born? A In North Carolina.
Q When did you remove to the Cherokee Nation? A Well I will have to study it up. Mr. Porter and I were married the 22nd day of January, 1893, liking from January until April being a year when we left North Carolina.
Q Then you must have left North Carolina in 1892? A That is as well as I can place it.
Q Did you move from North Carolina to the Cherokee Nation? A Yes sir.
Q Did you come with your mother? A Yes sir.
Q She is an applicant for enrollment as a Cherokee citizen, is she?
A Yes sir.

- Q How when you remove to the Cherokee Nation how long did you live in the nation after that? A I suppose I lived there about 10 or 11 months, then we were married and we lived there until the next August at Tahlequah. We married in January and left Tahlequah in August.
- Q Then where did you go? A Fort Smith, Arkansas.
- Q You went to Fort Smith in August, 1893? A Yes sir.
- Q How long did you live in Fort Smith? A I lived there I guess it was 7 years.
- Q That brought it up to 1900? A Yes sir.
- Q Then where did you go? A To Pryor Creek and from Pryor Creek to Chelsea.
- Q How long did you live at Pryor Creek? A Well at Pryor Creek and Chelsea all together nine months.
- Q Then where did you go? A Back to Fort Smith.
- Q How long did you live in Fort Smith after that? A A year.
- Q Then where did you go? A To Memphis, Tennessee.
- Q That was in 1901 you left Fort Smith and went to Memphis?
- BY MR. HASTINGS:
- Q Was it before or after Mr. Porter's death? A It was after his death.
- ON BEHALF OF THE COMMISSIONER:
- Q How soon after his death was it you went to Memphis? A It was in the same year he died.
- Q How long did you live in Memphis? A From October until December.
- Q Then where did you go? A Back to Fort Smith.
- Q How long did you live there that time? A Until February.
- Q February, 1903? A Yes sir.
- Q Then where did you go? A Back to Memphis, Tennessee.
- Q How long did you stay there that time? A Until the 20th of June.
- Q Where did you go then? A To Pryor Creek.
- Q How long did you live there? A I stayed there until November and went to Kansas City.
- Q How long did you live in Kansas City? A I went to Kansas City in November, then I went back to Fort Smith in May.
- Q That would be May of 1904? A Yes sir.
- Q How long did you stay in Fort Smith then? A I went back in May and I stayed until the 10th day of last June.
- Q That is 1905? A Yes sir.
- Q Then where did you go? A I went back to Kansas City and stayed until November and then I come to Parsons, Kansas.
- Q Have you been in Parsons since then? A Yes sir.
- Q Where were you living when you and Mr. Miller married? A In Fort Smith.
- Q Were you keeping house there? A No sir.
- Q Did you keep house in Memphis? A Yes sir.
- Q Did he work there? A Yes sir.
- Q Was that his home? A Yes sir, the time we were there.
- Q When you and your husband left Tahlequah in 1893 did you leave any improvements in the Cherokee Nation? A No sir.
- Q You had no property? A No sir.
- Q Since that time have you had any property in the Cherokee Nation? A No sir.
- Q Has Mr. Porter? A No sir.
- Q You have had no property in the Cherokee Nation of any kind since then? A No sir.
- Q Are the times you have mentioned the only times you have visited the Cherokee Nation since you left? A No sir. I have been back and forth there a great many times, but of course all those times--
- Q You didn't speak of just visits? A No sir, not visits at all.

- Q Now how frequently have you visited the Cherokee Nation since you left in 1893 with your husband Porter? A Well quite frequently, but I just couldn't call the year or month I was there.
- Q Was your mother's family living in the Cherokee Nation? A Yes sir, I was visiting my mother six years ago. No it wasn't either, it is seven years ago at Grove, I stayed there several weeks.
- Q Where was Edward H. Porter born? A In Fort Smith.
- Q Has your child been with you all of the time during its life? A Yes sir.
- Q Did you and your husband Porter live together continuously from the time of your marriage until his death? A No sir, we were separated just a few months before he died.
- Q During your separation was his home in Fort Smith? A Yes sir.
- Q He stayed there? A Yes sir.
- Q Did he vote as a citizen of Fort Smith? A No sir, he never did vote there.

The applicant and the Attorney for the Cherokee Nation announce they have no further testimony to introduce, this case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley

Subscribed and sworn to before me this 30th day of March, 1906.

B. P. Rasmus
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nicholas D. Porter, et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, at Sallisaw, Indian Territory, on August 10, 1900, Nicholas D. Porter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his wife, Lizzie Porter, and their minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 18, 1902. The record further shows that thereafter on December 1, 1902, the Commission to the Five Civilized Tribes rendered its decision therein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, which decision was, on December 3, 1902, duly forwarded to the Department. Thereafter on March 27, 1903 (I.T.D. 2846-1903), the Department remanded said case for rehearing and readjudication, and that further proceedings in the matter of said application were had at Fort Smith, Arkansas, February 14, and at Muskogee, Indian Territory, March 29, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Nicholas D. Porter was born in Fort Smith, Arkansas, and at the time of this application was 33 years of age; that he is the son of one Mary Jane Porter, who was admitted to the rights and privileges of Cherokee citizenship under an Act of the Cherokee National Council December 16, 1870; that after said admission of his mother the said Nicholas D. Porter continued to reside in Fort Smith, Arkansas, until just before the Strip Payment of 1894, when he came to the Cherokee Nation; that shortly after said payment he left the Cherokee Nation and has since continuously made his home outside of the domain of the Five Civilized Tribes.

The evidence further shows that the applicant Lizzie Porter was admitted to citizenship in the Cherokee Nation by the properly constituted authorities of said nation on September 25, 1889, and removed to the Cherokee Nation with her husband, the said Nicholas D. Porter, in 1893, and that her residence since that time up to and including September 1, 1902, has been the

same as that of her said husband. The evidence fails to show that either of said applicants during their absence from the Cherokee Nation have owned or controlled any property therein. Neither can they, or either of them, be identified on the Cherokee authenticated tribal roll of 1880 or the Cherokee census roll of 1896.

Paragraph nine of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship:"

The evidence further shows that Edward H. Porter is the minor son of the applicants, Nicholas D. and Lizzie Porter, was born since June 28, 1898, and possesses no rights to enrollment not possessed by his said parents.

It is further shown that the said Nicholas D. Porter died prior to September 1, 1902 .

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living, and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Paragraph nine of Section Twenty-one of the Act of Congress first above noted, Lizzie Porter and Edward H. Porter are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied; and it is further ordered that, under the provisions of Section Twenty-five of the Act of Congress last above noted, the application for the enrollment of Nicholas D. Porter as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed.

SIGNED

Lame Bixby
Commissioner

Dated at Muskogee, Indian Territory,

this MAY 18 1906

SR

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-107.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Nicholas D. Porter for the enrollment of himself, his wife Lizzie, and his minor child Edward H. Porter, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. H-44.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-107

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 13, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on March 27, the Secretary of the Interior remanded, for the taking of further testimony by this Commission, the application of Nicholas D. Porter for the enrollment of himself and family as citizens of the Cherokee Nation.

Further evidence is particularly required as to the residence of the said Nicholas D. Porter and his family in the Cherokee Nation. It appears that Nicholas D. Porter is now deceased, but his wife has, this day, been notified that she can appear before the Cherokee Land Office of this Commission on or before May 5, 1903, and introduce further evidence tending to prove her right to enrollment.

Respectfully,



Chairman.

GRS

• REFER TO REPLY TO THE FOLLOWING:

Cherokee
D 107

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Smith, Arkansas, on February 14, 1906, in the matter of the application for the enrollment of Nicholas D. Porter as a citizen by blood of the Cherokee nation.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-58.
GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 107

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee enrollment case of Nicholas D. Porter, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

Acting Commissioner.

GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-107.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 18, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter, and rejecting the application for the enrollment of Lizzie and Edward H. Porter, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Acting Commissioner.

LS
Incl. 8-35

Refer in reply
to the following
Land 44109-1906.

C O P Y .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report of Commissioner Bixby, dated May 18, 1906, relative to the application of Nicholas D. Porter et al., for enrollment as citizens by blood of the Cherokee Nation, including the decision of the Commissioner, of the same date, dismissing the application of Nicholas D. Porter and denying the applications of Lizzie and Edward H. Porter, as citizens by blood of the Cherokee Nation.

On March 27, 1903 (I.T.D.2846-1903) the Department remanded this case to the Commission to the Five Civilized Tribes for further hearing and readjudication.

It appears from the record that on August 10, 1900, Nicholas D. Porter appeared before the Commission to the Five Civilized Tribes, at Sallisaw, Indian Territory, and made application for the enrollment of himself, his wife, Lizzie Porter, and their minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation.

The evidence in this case shows that the applicant,

the applicant, Nicholas D. Porter, was born in Fort Smith, Arkansas, and at the time of his application was 33 years old; that is the son of Mary Jane Porter, who was admitted to the rights and privileges of Cherokee citizenship under an act of the Cherokee National Council of December 16, 1870; that after the admission of his mother, the applicant continued to reside in Fort Smith until a short time prior to the Strip Payment of 1894, when he came to the Cherokee Nation; that shortly after this payment he left the Nation and has since continuously resided outside of the domain of the Five Civilized Tribes.

It is further shown that the applicant, Lizzie Porter, was admitted to citizenship in the Cherokee Nation by the properly constituted authorities thereof on September 25, 1889, and removed to the Nation with her husband, Nicholas D. Porter, in 1893, and that her residence since that time, up to and including September 1, 1902, has been the same as that of her husband. There is no evidence to show that either of the applicants during their absence from the nation have owned or controlled any property therein, nor are they identified on the Cherokee authenticated tribal roll of 1880, or the census roll of 1896.

Edward H. Porter is a minor son of the applicants, Nicholas D. and Lizzie Porter, was born since June 28, 1898, and possesses no rights to enrollment not possessed by his parents.

--3--

It appears that the applicant, Nicholas D. Porter, died prior to September 1, 1902.

Under the provisions of Section 25 of the Act of July 1, 1902 (32 Stat.L., 716), providing that the rolls of citizens of the Cherokee nation shall be made as of September 1, 1902, there is no authority in law for his enrollment.

It being shown that the applicants did not prior to June 28, 1898, remove to, and in good faith establish their residence in the Cherokee Nation, it is the opinion of the Office that they are not entitled to enrollment as citizens thereof. It is therefore recommended that the application for the enrollment of Lizzie Porter, Edward H. Porter, and Nicholas D. Porter, be denied, in accordance with Commissioner Bixby's decision.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

Endorsed:
Department of the Interior
Received Jan. 12, 1907.
Enc.No.1, of No.784.
Indian Territory Division.

I.T.D.784-1907. C O P Y .

K.L.M.

L.R.S.

DEPARTMENT OF THE INTERIOR,

Washington, January 19, 1907. LLB.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 18, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Nicholas D. Porter, Lizzie Porter and Edward^{H.} Porter as citizens by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicants.

Reporting January 11, 1907 (Land 44109-1906), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner

of Indian Affairs.

1 inc. and 2 to Ind.Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 30, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter and rejecting the applications for the enrollment of Lizzie Porter and Edward H. Porter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 19, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully

Encl.H-14
JMH

Commissioner.

CHEROKEE

Nicholas D. Porter et al

A Original testimony August 10, 1900

B Memo of application of 10, 1900

C Notice of final consideration

D Order closing testimony Feb 18, 1902

Copy of testimony filed with
Cherokee Nation January 12, 1901

OCT 10 1907 Canceled and transferred to Cherokee 8-10-55

Cher D108

Cher D108

D 108

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 18 1900


ACTING CHAIRMAN

Department of the Interior,
Bureau of the Land Office,
Washington, D. C., August 10, 1910.

In the matter of the application of George W. Hilly for the
naturalization of himself and wife as American citizens; being sworn
and examined by Corralles, for the above certification as follows:

- Q What is your name? A George T. Kiddy.
Q What is your age? A Forty-five.
Q What is your place of residence? A Miami.
Q How long have you lived in Miami? A One year.
Q How did you acquire the defendant horse? A He is and
was identified to me by the late A. T. Hays.
Q How long have you lived in Miami? A I have lived there since
I was there continuously since 1914.
Q Are your father and mother deceased? A Yes sir.
Q Are they living? A Father is living.
Q What is his name? A Frank Kiddy.
Q Are you married? A Yes sir.
Q What is your wife's name? A Marcia Kiddy.
Q How were you married? A March 6th 1920 I believe it is.
Q What was her name before you married her? A Anna Campbell.
Q What was her father's name? A Joel Campbell.
Q What is a Cherokee citizen by blood? A I don't think a one.
Q What was her mother's name? A Alice.
Q What was a Cherokee by blood? A Yes sir.
Q Are her father and mother living? A No sir.

Johnnie Kinky, applicant's wife, being sworn, and examined,
testifies as follows:

- Q Your mother was a member of the A. T. S. Air.
Q Did she die? A In 1970.

Applicant, George W. Hill, no-0-01-0, and examiner:

- Q Now you are going to ask him if he has any children under the age of one living at home?
A Yes sir.
Q Now you have a certificate of marriage? A Yes sir. (Produces paper.)
Q And it is your wife's name? A Forty-nine.

Termination by: Charolene Neumann, letter dated 1/20/70; Wilson re-called;

- Q Where were you in 1940? A I was in the Chicago Station.
Q Did you go to Europe in 1940, just down, and operate as in the
continent later in 1940, just down.
Q And you were part of the Chicago Station? A I never
went out for long at a time; I only moved out of it at all.
Q When did you go out on a visit? A I went out at various times.
1940 roll, page 833 Block Route 146, Illinois District.
1940 roll, page 791 294, Route 146, Illinois District.

Responsible for coordination and execution.

- Q - You say your name is not on the roll of 1840? A - No sir, because I wrote to Dr. Stephen and have my name put on, because I was in employment and couldn't come, and he wrote me that he could not have it done.
- Q - Where were you living at that time? A - I was living at New Alister.
- Q - About how much Cherokee blood do you claim? A - About one-eighth or one-sixteenth.
- Q - Was your mother's name on the authenticated roll of 1840?
- A - No sir, my mother was dead.

Q Was your father on the authenticated roll of 1880? A No sir, my father died about the close of the War.
Q Did you ever apply to the Texas Commission in 1890 for citizenship? A No sir.
Q Did you ever apply to the Cherokee tribal authorities to be admitted as a citizen? A No sir.

Examination by Cherokee Representative Hastings:

Q Where did your father die? A He died in Sequoyah District just across from Fort Smith.
Q Were you living there at the time of his death? A Yes sir.
Q How old are you now? A I was born in '51.
Q He died directly before the War? A Yes sir.
Q When did your mother die? A In 1872 or 3.
Q Where did she die? A In Illinois District.
Q Where were you living at that time? A I was right at home with her.
Q When did you go to South Missouri? A I don't remember just the year when I went there.
Q How long after your father's death? A Oh, my goodness alive, it was years and years after my father's death; I lived at home with my mother a great while after my father died.
Q Well, how long after your mother's death? A Maybe five years after my mother's death; I don't know exactly how long it was.
Q Your mother died when? A She died in seventy something.
Q You went in about '75, when did you come back here? A I came back in 1888, but I was back various times.
Q Where did you reside in this fifteen years? A I was travelling, sometimes in Missouri, one time in Kansas and sometimes in the Cherokee Nation; here and there, wherever I felt like going.
Q Did you ever travelling then? A For my own pleasure and amusement.
Q Were you ever married before? A Yes sir.
Q Who too? A A young gentleman by the name of Stafford.
Q When were you married? A I was married in Sequoyah District.
Q In that year? A I believe it was in 1862 as well as I can remember. I was quite a small young girl.
Q Did you live with him in the Cherokee Nation after you were married? A Yes sir.
Q Did you go out of the Cherokee Nation with him? A Yes sir, I went as far as Fort Scott once, and came back.
Q What became of Stafford? A I think he died in Texas.
Q Don't you know? A No sir.
Q Were you separated from him at the time of his death? A Yes sir.
Q Do you know about the date of his death? A No sir; I know one of the old stage drivers told me Mr. Stafford was dead.
Q Were you ever married any more, except to this man, your present husband? A No sir.
Q You were just travelling around over the various states for pleasure? A Yes sir.
Q Did you have no business occupations? A No sir.
Q Were you travelling with him? A No sir.
Q And you returned to the Cherokee Nation in 1888? A Yes sir.
Q You never applied either to the Cherokee Nation nor the Texas Commission for re-admission? A No sir, I never did. My cousin, J. T. Adair, wrote and told me it wasn't necessary; I wrote to him and he wrote and told me that where a young woman was travelling for pleasure or her health it wasn't necessary that she apply for citizenship.
Q In what parts of Texas did you ever live? A I never lived anywhere; I stopped for a few months in northern Texas and a month or two in western Texas.

George T. Kiddy at al 23

Q What other states were you ever in? A Well, I don't know that that concerns you at all.
Q It may concern you before you get through with this case?
A Well, that's all right; let it concern me. I have been in Kansas, I have been in Missouri and I have been in Arkansas.
Q Where did you live in Kansas? A I didn't live in Kansas at all.
Q Where did you stop in Kansas? A I stopped over my real nights at first one little town and then another, passing through.
Q Just on a pleasure trip? A Yes sir.
Q You mean to tell the court when now, under oath, that you were travelling alone just for pleasure? A Yes sir, just for pleasure, nothing else; my own pleasure.
Q How long did you ever stay in the State of Missouri? A My husband and I staid in the state of Missouri at Joplin Missouri about two months.
Q Which husband? A I refer to George Starfield.
Q I have forgotten when you said he died? A I don't know when he died.
Q When did you separate from him? A We was married in 1883 I believe I separated from him about seventy; not long before my mother's death.
Q Where did you stay in Arkansas? A I never staid in Arkansas. We lived right on the line and I go to Fort Smith very often.
Q You never travelled around over that state? A No sir I never travelled around through that state.
Q Then you were travelling around at those various points up until 1931, when you went-- where do you and your husband now live?
A About two miles from Vian.
Q How long have you been living there? A Since 1928.
Q Have you been living there now continuously for eleven years?
A Yes sir, for twelve years.
Q You haven't travelled around through the states during these past twelve years? A No sir, been living right there.
Q Give me the names of two or three of your acquaintances at South McAlester who know of your residence there? A I don't suppose I can give you one.

1936 roll, page 831 filed George Kiddy, Illinois district.

Gen'l Headlee: The name of George T. Kiddy appears upon the census roll of 1896; he applies for enrollment for himself and his wife, Annie Kiddy; he presents marriage license issued by Walter A. Frye, Clerk of Sequoyah District, under the seal on the 5th day of March, 1930, and a certificate signed by Walter A. Frye, certifying that he married the said George T. Kiddy to Miss Annie Campbell on the 5th day of March, 1930; and makes oral proof as to his residence; his wife, Annie Kiddy, appears and testifies in her own behalf; her name is not found upon the authenticated roll of 1930, but is found upon the census roll of 1896, and the pay roll of 1894 as Annie Kiddy and Annie Kiddy; her name not appearing upon the authenticated roll of 1930, the Commission finds no conclusive proof as to her being a recognized Cherokee citizen by blood as she claims and final judgment as to the enrollment of herself as a Cherokee citizen by blood and the enrollment of her husband George T. Kiddy as an intermarried Cherokee, will be suspended, and their names will be placed upon a doubtful card for the consideration of the Commission. When decision of the Commission is announced, said George T. Kiddy will be informed of same by mail, and the testimony herein taken will be forwarded to the Secretary of the Interior when the final rolls of the Cherokee Nation are forwarded by the Commission for his consideration.

George T. Kildy et al #4

M. D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M. D. Green

Subscribed and sworn to before me this 16th day of August 1900.

M. B. [Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 23 1901

notes & history.
The following is a true and correct copy of the stenographic
report of the proceedings of the Five Civilized Tribes, and the
report of the Commission to the Five Civilized Tribes, as
given. The report, prepared by the Commission, states that the
Commissioner of the Bureau of Indian Affairs, Department of the Interior,
has received the following report from the Commission to the Five Civilized Tribes:

The Commission to the Five Civilized Tribes, organized on the 1st day of February, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25th, 1901.

S U P P L E M E N T A L T E S T I M O N Y .

D. #108.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
George T. Kiddy as a citizen of the Cherokee Nation;

W. W. CAMPBELL being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A W. W. Campbell.
Q How old are you? A 65.
Q What is your post office address? A Campbell.

Examination continued by W. W. Hastings, Cherokee Representative:

- Q Dr., do you know George T. Kiddy? A Yes, sir.
Q Do you know his wife, Fanny? A Yes, sir.
Q Where was Fanny born? A In the Cherokee Nation.
Q Yes, but whereabouts in the Cherokee Nation? A Born in Flint district.
Q What was her father's name? A John Campbell.
Q What was her mother's name? A Eliza.
Q Was her father a Cherokee by blood? A No, sir.
Q Was her mother a Cherokee by blood? A Yes, sir.
Q What was her mother's maiden name? A Eliza Holt.
Q Was relation is Fanny Kiddy to you? A My sister.
Q Your full sister? A Yes, sir.
Q You both have the same father and same mother? A Yes, sir.
Q Is she younger or older than you? A Younger.
Q How old? A Somewhere in the Fifties.
Q How old was she when she left the Cherokee Nation? A She must have been up in 25 or 30, somewhere there, I don't know positively.
Q She wasn't here in 1880 was she? A I don't know.
Q Where did she go to when she left the Cherokee Nation? A She down either to the Choctaw or Chickasaw Nation.
Q How long was she gone? A I don't know exactly.
Q About how long? A I don't know.
Q Wasn't she up in Kansas and Missouri some? A No, sir, I never heard of it if she was.
Q How many times has she been married? A Two times.
Q Know what her first husband's name was? A No, sir, I don't know.
Q Then Mr. Kiddy was her second husband? A Yes, sir.
Q Do you know if her first husband was dead? A No, sir, I don't know.
Q Did you ever see him? A Yes, sir.
Q Don't you know his name? A No, sir.
Q Do you know whether she married before she left the Cherokee Nation? A I think she married after she left.
Q I mean to her first husband? A Oh! Yes, sir/ she was living in the Cherokee Nation when she married the first time.
Q Do you know whether this first husband lived in the Cherokee Nation with her? A I don't think he did.
Q What is your information of what become of her first husband?
A I don't know.
Q Don't you know whether he died or whether they separated?
A They separated.
Q Was there any divorce granted? A I don't know.

D.#108--2..

Q How long has she been back here? A Ten years or more.

MARY WATERS, being called and sworn as a witness, testified as follows: Examination by Commission:

Q What is your name? A Mary Waters.

Q How old are you? A 42.

Q What is your post office address? A Vian.

Q Are you a Cherokee citizen? A Yes, sir.

Examination continued by W. W. Hastings:

Q Do you know George T. Kiddy? A Yes, sir.

Q Do you know his wife, Fanny? A Yes, sir.

Q How long have you known his wife? A Ever since '75.

Q What relation are you to her? A She is a second cousin to me.

Q Did you know her father? A No, sir.

Q Did you know her mother? A Yes, sir.

Q Where did you know her in '75? A Got acquainted with her at cousin Will Campbell's.

Q Was she married when you knew her first? A She had been married but her and her husband had separated.

Q What was her first husband's name? A George Stovefield.

Q What became of her after that? A I cannot tell you; the last time I saw her was at cousin Will Campbell's and she just picked up her hat and left; that was the last I saw of her until she married Mr. Kiddy and they came into the settlement where I lived in 1886.

Q That was the first time I seen her after she left cousin Will Campbell's.

Q Have you been seeing her ever since 1886? A Yes, sir.

Q Has she been living in the Cherokee Nation ever since 1886?

A Yes, sir, she lived neighbor to me there ever since 1886.

Q Lived there for the past 14 years then has she? A Yes, sir.

Q Do you know if she is a full sister of Dr. W. W. Campbell?

A Yes, sir, that is my information.

Examination of witness continued by Applicant, George T. Kiddy:

Q Didn't she leave some property when she left? A Yes, sir.

By W. W. Hastings:

Q What did that property consist of? A Stock, mules and some household furniture.

Q

W. W. Campbell, re-called and examined by Applicant:

Q Doctor, did you or did you not, turn over some cattle to my wife Fanny when she came back? A Yes, sir, I turned over some cattle.

Q And some furniture? A I don't remember about the furniture, I let her have some cattle.

By W. W. Hastings:

Q How many cattle did you turn over, Doctor? A Two.

Q What did you give her those cattle for? A I was due her something on her estate--her interest in an estate of her mother.

D.#108.--3.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes & hereof.

Chas von Weise

Subscribed and sworn to before me this 25th day of February, 1901.

[Signature]

Commissioner.

D108

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 27 1901



ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

D.#100.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
George T. Kiddy et al. as citizens of the Cherokee Nation:

FANNIE T. KIDDY, being sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Fannie T. Kiddy. I wish to make a
statement in regard to my first husband, George Stefield; I haven't
seen him or heard of him; I heard he was dead and I haven't heard
another word since that time. He went away when the Cherokees
drew their first bred money, it was in seventy-three or four and
he went away just before that time; I haven't seen him since but
I heard; -there was one of the old time stage drivers told me that
he died at El Paso, Texas and I haven't heard a word of him from
that time.

By W. W. HASTINGS, Cherokee Representative:

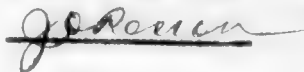
Q When did you hear that? A In about a year after he went away;
in about a year ~~in~~ after my mother died; it was in '74 or '75, I
think.

By COMMISSIONER NEEDLES:

Q Is that all? A Yes, sir; that is all.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized He correctly recorded
recorded the testimony of the above named witness and that the fore-
going is a true and complete transcript of his stenographic notes
thereof.



Subscribed and sworn to before me this 27th day of February, 1901.



Commissioner.

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FOR THE

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 18, 1902.

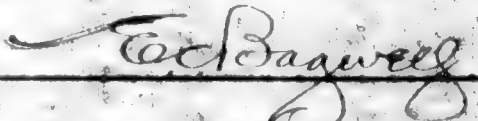
In the matter of the application of George T. Kiddy, and
others to be enrolled as citizens of the Cherokee Nation:

Appearances:

Robert Toomer, Muskegee, I. T., for applicants;
W. W. Hastings, attorney for Cherokee Nation.

Case called and submitted by both attorney for applicant
and attorney for the Cherokee Nation for the final consideration
of the Commission.

E. C. Bagwell, on oath states, that as stenographer to the
Commission to the Five Civilized Tribes, he accurately recorded
the proceedings had in the above styled cause, and that the above
and foregoing is a true and accurate transcript of his stenographic
notes thereof.



Subscribed and sworn to before me this 20 day of February, 1902



Commissioner.

Notary Public

Subscribed and sworn to before me this 24th day of November, 1905.

stenographic notes taken at the trial and complete transcript of her deposition, and that the above is a true and complete transcript of her deposition, the testimony and proceedings in the matter of the foregoing subject-
 together to the Commission for George Alvin Claiborne, Jr., she recorded
 - before Clerk, being first duly sworn, states that as above-

Q Got any children? A None at all.
Q Never lived anywhere else? A No, sir, not a day.
Q Was the Cherokee Nation been your home since you married your
Q Having together now? A Yes, sir.
Q Married her? A All the time, yes, sir.
Q Have you and your wife, Emma, been living together since you
Q the married her? A The only time I know of.
Q Is that the only time your wife, Emma, has been married before
Q as a witness to his death?
Q Did you ever see George Claiborne? A He found a man that
Q who worked? A Judge. He claimed he had found a party there.
Q Then heard he was in Texas and Judge wrote.
Q And then have not heard from George Claiborne since he left
Q home?
Q Where were they living when they separated? A Near the old
Q Did she ever make any inquiries? A I suppose so.
Q Yes, sir.
Q Him for twelve or fifteen years before to the time you married her?
Q He just went off and left her and she has not seen or heard from
Q her the divorced from him. A No, sir.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., October 22, 1902.

In the matter of the application of George T. Kiddy for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Fannie Kiddy, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

GEORGE T. KIDDY, being sworn, testified as follows:

By the Commission,

- Q What is your name? A George T. Kiddy.
Q How old are you? A Forty-eight.
Q What is your postoffice? A Vian.
Q Are you a white man? A I am.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your wife's name? A Fannie T. Kiddy.
Q Fannie T. is it? A Yes, sir.
Q Is Fannie T. a Cherokee by blood? A Yes, sir.
Q How long has she been living in the Cherokee Nation? A She was born and raised here.
Q Does that mean she has been in the Cherokee Nation all her life? A She has been out some.
Q When were you married to her? A I was married -- I am not good to remember dates, but it was along in '87 or '88, March 5th, as well as I remember.
Q Is Fannie your first wife? A No, sir.
Q You had been married before? A Yes, sir.
Q What was your first wife's name? A Her maiden name, do you mean?
Q Yes. A Fannie Johnson.
Q Was she a white woman? A Yes, sir.
Q Is she dead? A No, I have a copy of the divorce though.
Q You are divorced? A Yes, sir, I have a copy in my trunk at home.
Q How long have you been divorced from her? A I don't know, I can't remember dates.
Q Before you married your wife, Fannie T.? A About four years ago.
Q Did you ever file a copy of that divorce with the Commission? A No, sir, I was never required to.

You will be required to file a copy of the decree of divorce with the Commission.

- Q Is that the only time you have been married before you married your present wife? A The only time.
Q Had your wife, Fannie T., ever been married before she married you? A Yes, sir.
Q What was her first husband's name? A George Stofield.
Q Was he a white man or Cherokee? A White man, she says.
Q Was he dead or living? A Supposed to be dead.
Q Supposed to be dead? A Yes, sir. She had not heard of him or seen him for twelve or fifteen years before I was married to her.

- Q Was she divorced from him? A No, sir.
Q He just went off and left her and she has not seen or heard from him for twelve or fifteen years prior to the time you married her?
A Yes, sir.
Q Did she ever make any inquiry? A I suppose so.
Q Where were they living when they separated? A Near the old home, near her father's.
Q And they have not heard from George Stofield since he left?
A They heard he was in Texas and Judge wrote.
Q Who wrote? A Judge. He claimed he had found a party there.
Q Did you say he found George Stofield? A He found a man that was a witness to his death.
Q Is that the only time your wife, Fannie, had been married before she married you? A The only time I know of.
Q Have you and your wife, Fannie, been living together since you married her? A All the time, yes, sir.
Q Living together now? A Yes, sir.
Q Has the Cherokee Nation been your home since you married your wife, Fannie? A Everyday.
Q Never lived anywhere else? A No, sir, not a day.
Q Got any children? A None at all.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 24th day of November, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Fannie Kiddy as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900, George T. Kiddy appeared before the Commission at Gallatin, Indian Territory, and made personal application for the enrollment of his wife, Fannie Kiddy, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 25 and February 26, 1901, and February 18 and October 22, 1902. The application also included George T. Kiddy for enrollment as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not concerned in this decision.

The evidence shows that the said Fannie Kiddy is a Cherokee citizen by blood, and identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896.

The evidence further shows that the said Fannie Kiddy, at the time of this application, was forty-eight years of age, and that she has temporarily absent from the Cherokee Nation from 1897 to 1898, at which time she returned thereto and was married confidentially in said Nation up to the date of the application herein.

It is, therefore, the opinion of this Commission that Fannie Kiddy should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 8, 1898 (30 Stat., 491), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Commissioner.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

JCS

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Tahlequah I. T. July 22nd 1903.

Cherokee D108.

In the matter of the application for the enrollment of Fannie Kiddy
as a citizen of the Cherokee nation by Blood.

Protest of the Cherokee nation

Come now the Cherokee nation and protests against the enrollment of the
applicant and prays an appeal from the Commissions decision of June 1 1903
and asks that the record and the decision be forwarded to the Honorable
Secretary of the Interior for Review.

The Cherokee nation contends that because of the applicants non
residence in the Cherokee Nation for thirteen years that she forfeited
her right to be enrolled as a citizen of the Cherokee nation under the
provisions of Article I Section II of the Constitution of the Cherokee
Nation.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-108.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 9, 1903.

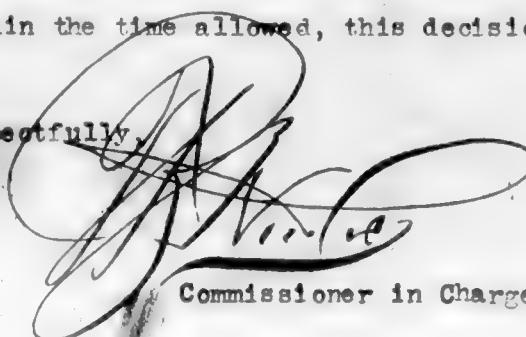
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated June 1, 1903, granting the application of George T. Kiddy for the enrollment of his wife, Fannie Kiddy, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-11.

1287

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-108.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

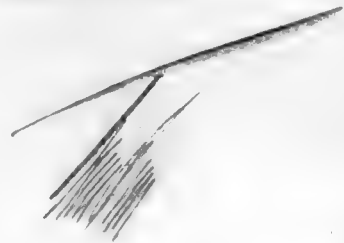
Muskogee, Indian Territory, September 18, 1903

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application for the enrollment of Fannie Kiddy as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 5, 1903.

Respectfully,



Chairman.

George W. Kiddy et al

OCT 10 1907 Cancelled and trans-
ferred to Cherokee R-1034.

No 2 transferred to Cherokee 10294

Ex 100 1/7/71

Cher D109

Cher D109

THE FIRST OF SEPTEMBER 1900.

John J. Brown

RECEIVED OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LANDS, FOR THE YEAR 1900, THE SUM OF \$100.00, IN FULL OF THE DEBT DUE TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LANDS, FOR THE YEAR 1900.

2109

FILED
AUG 13 1900

RECEIVED OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LANDS, FOR THE YEAR 1900, THE SUM OF \$100.00, IN FULL OF THE DEBT DUE TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LANDS, FOR THE YEAR 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SALLISAW, I. T., AUGUST 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Annie Nelson and her two children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, G. R. Breakinridge, testified as follows:

- Q What is your name? A Annie Nelson.
Q What is your age? A Will be twenty five October 13th.
Q What is your Postoffice address? A Sallisaw, I. T.
Q What is your District? A Illinois.
Q For whom do you make application for enrollment?
A Myself and two children.
Q Yourself and two children? A Yes sir.
Q Are you a Cherokee by blood? A No sir, just my husband; my first man; my last one is a white man.
Q Your first husband was a Cherokee? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir; I am on the 1896 Roll.
Q Under what name do you appear on the 1896 Roll? A Annie McMain.
Q You were enrolled then as an intermarried Cherokee, were you?
A Yes sir.
Q What is the name of your present husband? A Sam Nelson.
Q When were you married to him? A The 22nd of last July,
a year ago.
Q You do not claim through your last marriage? A No sir.
Q But through your former husband? A Yes sir.
Q And what was his full name? A William McMain.
Q Was your husband, William McMain, a Cherokee by blood?
A Yes sir.
Q Was he a native of the Cherokee Nation? A Yes sir.
Q Did he live here all his life? A Yes sir.
Q Is he on the roll of 1890? A Yes sir; he was a small child.
Q Roll of 1894? A Yes sir.
Q Also on the roll of 1896? A Yes sir.
Q When did he die? A The second day of May, 1898.
Q When were you married to him? A The 5th of January, 1894.
Q Did your first husband live in Illinois District all the time?
A Yes sir.
Q Now McMain, will you give please the names of the children you apply for,
A The oldest one is named Bessie May McMain.
Q How old is that child? A She will be five years old the 12th of next March.
Q She is on the roll of 1896? A Yes sir.
Q How the next child? A Charley Martin McMain.
Q How old is that child? A He is two years old.
Q These children are both living now, are they? A Yes sir; I have one dead.
Q These are both the children of your dead husband, William McMain? A Yes sir.
(William McMain identified on the roll of 1890, Page 222, District 1, as Wm. McMain, Illinois District)
(On the roll of 1894, Page 799, District 1, as William McMain, Illinois District)
(On the roll of 1896, Page 825, District 1, as William McMain, Illinois District)
(Annie McMain identified on the roll of 1896, Page 812, District 1, Illinois District)
(Bessie May McMain identified on the roll of 1896, Page 825, District 1, as Bessie McMain, Illinois District)
Q Have you a certificate of marriage to your first husband?
A No sir.
Q Have you any neighbors here? A No sir; I live at Sallisaw.
Q Is your present husband here? A Yes sir.

Q He knows of your former marriage, does he not? A Yes sir; he knows I was married.

L. B. Nelson, being called and sworn, testified as follows:

Q What is your full name? A L. B. Nelson.

Q What is your age? A Thirty five.

Q What is your Postoffice? A Sullivan.

Q How long have you lived in the Cherokee Nation? A Lived here eleven years.

Q You are a white man, are you? A Yes sir.

Q Have no Cherokee blood? A No sir.

Q Make no claim to Cherokee citizenship? A No sir.

Q Are you the present husband of the applicant here, Annie Nelson?

A Yes sir.

Q Did you know her former husband? A Yes sir.

Q How long did you know them as husband and wife? A Through hearsay; I have known them ever since they were married.

Q How long since they were married; since they got married?

A It has been about five or six years.

Q Some five or six years ago? A Some where along there.

Q How long to your knowledge did they live together as husband and wife? A All the time as far as I know.

Q When did he die? A He has been dead I think two years.

Q About two years? A Yes sir.

Q Did you know as a matter of general knowledge of the fact when they got married? A Yes sir; through letters; my first wife was her first cousin, and they were writing all the time.

Q Did you understand that they lived together as husband and wife from that time until his death? A Yes sir.

Q Did they live in the Cherokee Nation all the time? A Yes sir.

By Representative of the Cherokee Nation:

Q I understood you to say that ~~thru~~ through letters to your former wife that you were apprised of the fact that she had married this man, William Nelson; is that a fact? A Yes sir.

Q How long ago since those letters passed between your wife, and this woman here now? A Ever since they were first married; she written my first woman in the neighborhood of ten years.

Q Was this woman a relative of your former wife? A Yes sir; sisters children.

Q Immediately after your wife died, and this woman's husband died, did you come to this country and marry this woman? A I went from here to Briggs.

Q You came to the Cherokee Nation, and married her?

Q I was living in the Cherokee Nation when she (bearing his first wife) died.

ANNIE NELSON, RELATION

Q The married you to William Nelson? A Herman Vann.

Q Is he living? A Yes sir; I never heard of his death.

Q Can you get any proofs, or get a certificate from him?

A I guess I can, by writing to him.

By the Court:

The applicant, Mrs Annie Nelson claims as a Cherokee by adoption through her former husband, William Nelson; her former alleged husband, William Nelson is duly identified on the rolls of 1890, 1894 and 1898; he is said to have died May 2nd, 1898; she remarrying May 2nd, 1899, to one Len Nelson, who is represented as a white man; and himself testifies that he makes no claim to Cherokee citizenship. So far then as Mrs. Nelson's application is concerned, she comes under the well known provision of the Cherokee Law, Section 666, providing that "Any man or woman becoming citizens of the Cherokee Nation, by intermarriage, and being left a widow, or a widower by the decease of a Cherokee wife or husband, such one"

-3-

tified widow or widower shall continue to enjoy rights of citizenship, unless he or she shall marry a white man or woman, having no rights to Cherokee citizenship by blood; in this case, all of his or her rights, held under the provisions of this act shall cease. Adding on the first paragraph of Section 11, of the Curtis Bill, this Commission is ordered to include upon the rolls only such persons intermarried white persons as may be entitled to citizenship under the Cherokee laws. It is also from the testimony that this applicant has forfeited her rights as a Cherokee citizen, by her last marriage, and her application for herself is rejected.

Now she also makes application for the children by her former marriage, Beulah May McMain and Charley Martin McMain. As aforesaid, the father is duly identified on the rolls of 1880, 1894 and 1898; Beulah May McMain is identified on the roll of 1890; and this woman is identified on the roll of 1896 as being at that time the wife of her alleged deceased husband. She is desired to procure a certificate from the Minister or official who married her and her former husband, and to supply this Commission with a copy of that Certificate, or in the event of her inability to get that certificate, she is desired to supply this Commission with other written testimony from well known Cherokee sources, of the fact of her marriage to her alleged husband, and of her having lived with him until he died. She is desired also to supply this Commission with a duly authenticated certificate of birth of her youngest child, Charley Martin McMain, who is too young to be on any of the rolls. For the present, awaiting this testimony, in part, the application she makes for these two children will be placed upon a White Card, and the decision of the Commission held in abeyance. Her present husband testifies to the essential facts of her former marriage, but it is desired to have the additional evidence indicated, if practicable.

R. R. Grayson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Grayson

Sworn to and subscribed before
me this 10th day of August, 1900,

Clifton B. Smith

COMMISSIONER.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 8th, 1902.

In the matter of the application of Beula M. McLain for the enrollment of herself as brother, Charlie M. McLain, as citizens by blood of the Cherokee Nation.

Supplemental to D9109.

Testimony in behalf of Applicants.

No appearance on the part of the Cherokee Nation.
Applicants appear by Joseph McLain.

JOSEPH McLAIN, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Joseph McLain.
Q. What is your age? A. Why, I can't hardly tell.
Q. About what? A. About 58 I guess.
Q. What is your post office address? A. Braggs.
Q. What relation, if any, are you to the applicants in this case?
A. Grandfather.
Q. What was their father's name? A. William.
Q. Was he your son? A. Yes, sir.
Q. He was a Cherokee? A. Yes, sir.
Q. What was their mother's name? A. Their mother.
Q. Yes, the mother of the applicants in this case? A. Annie Hunter before she was married.
Q. Do you know whether or not she was ever married before she married your son William? A. No, she never was married before.
Q. Did she remarry after his death? A. Yes, sir.
Q. What is the name of her present husband? A. Lonely Nelson, I believe they call him.
Q. She now goes by the name of Annie Nelson? A. Yes, sir.
Q. Was Hunter her maiden name? A. Hunter; yes, sir. I was acquainted with her ever since she was a child.
Q. Where were these children born? A. They were born over there right in the neighborhood of Braggs.
Q. In the Cherokee Nation? A. In the Cherokee Nation.
Q. Where is their mother living now? A. I don't know. The last time I heard from her she was in the Chickasaw Nation.
Q. Where are the applicants living now? A. With their mother.
Q. Do you know about when their mother was married to your son?
A. No, I don't. 5 or 6 years ago. Didn't the judgment give it. I couldn't tell.

There is offered in evidence a certificate signed by H. J. Vann, in which he certifies that as district judge of Canadian district, ~~on~~ of matrimony between William McLain, a citizen of the Cherokee Nation, and Annie Hunter, a citizen of the United States, on the 5th day of January, 1894.

- Q. Do you know whether or not your son and the mother of these children lived together continuously up until the time he died? A. Yes, sir.
Q. Did they live in your neighborhood? A. Lived with me a good deal of the time--at the time of his death lived on a place half a mile from me.
Q. They were generally recognized as man and wife? A. Yes, sir.

Q. The children were born prior to his death? A. No, sir; the last one was born since he was dead.

Q. How long after his death? A. Well, I believe he was--the last one was born before his death, just a few months.

Q. The children were both born in the Cherokee nation. A. The children were both born in the Cherokee nation.

Q. When did their mother leave the Cherokee Nation? A. I couldn't tell you. When the Indian Commission was at Ballisaw they were living at that time at Ballisaw.

Q. From the time of her marriage to your son until she was at Ballisaw did they live in the Cherokee Nation continuously. A. Yes, sir; they lived there until a few months after you moved to Gibson.

Q. What was in 1900? A. Yes, sir.

Q. Prior to that time their mother made her home in the nation? A. Yes, sir.

Q. Do you know where she has lived since that time? A. No, I don't. They lived in the Choctaw nation and the last I heard from they they lived in the Chickasaw nation.

Q. Have you any reason to believe they have moved from the limits of the Indian Territory? A. No, sir; I don't think she has.

Q. When did you last hear from her? A. Along early in the spring. Her sister lives close to the neighborhood of mine.

Q. Where was she living then? A. She was--her man rather. I forget the post office. They had moved. Some wheres in the Chickasaw nation. That is all I can tell you.

Q. You don't know anything as to the present whereabouts of this Annie Nelson, do you? A. No, sir.

Q. When did you last see these two children? A. Well, it was during the time that you was at Gibson.

Q. When she made application for their enrollment? A. Yes, sir.

Q. Were they both living at that time? A. Yes, sir.

Q. Were these children born at your house? A. One of them was.

Q. Which one. A. The oldest.

Q. How far was the other born from your place? A. The other was born on my place too, but not where I lived. I have two places.

Q. Have you any reason to believe that there are not the children of Annie Nelson by your son William? A. No, sir.

Q. They have always been recognized in the community as the children of William McCain by his wife Annie? A. Yes, sir.

Q. Do you know of your own knowledge that these children were living when application was made for them at Fort Gibson? A. Yes, sir. Of course I couldn't swear whose children they were.

Q. I asked you if you had any reason to believe they were ~~known~~ not his children.

A. No, sir. Him and her all ays got along together. Never was hard at all.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony in this case and that the foregoing is a correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of September, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Beulah M. McLain and Charley M. McLain, as citizens by blood of the
Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900,
Annie Nelson appeared before the Commission at Sallisaw, Indian Ter-
ritory, and made application for the enrollment of her two minor
children, Beulah M. McLain and Charley M. McLain, as citizens by
blood of the Cherokee Nation. The application also included Annie
Nelson, but she is differently classified and is not embraced in this
decision. Further proceedings were had in the matter of said appli-
cation at Muskogee, Indian Territory, on August 8, 1902.

The evidence in this case shows that the applicants are the
children of said Annie Nelson and one William McLain, a citizen by
blood of the Cherokee Nation, to whom the said Annie Nelson was mar-
ried on January 5, 1894. Beulah M. McLain is identified on the Chero-
kee census roll of 1896. Charley McLain is identified by a birth af-
fidavit made a part of the record herein.

The evidence further shows that William Nelson, the father
of said children, resided in the Cherokee Nation up to the time of
his death, May 2, 1896, and that his wife, Annie, the mother of the
children, lived with him from the date of their marriage up to the
date of her husband's death, and from that time up to 1900, when it
appears she removed to the Chickasaw Nation with her said children
where she has since resided. It is considered therefore that said
Beulah M. and Charley M. McLain, have resided in Indian Territory
since their birth.

It is, therefore, the opinion of this Commission that Beulah
M. McLain and Charley M. McLain, should be enrolled as citizens by
blood of the Cherokee Nation, in accordance with the provisions of
section twenty-one of the Act of Congress approved June 28, 1898,
(30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 12 1903:

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-109

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 12, 1903.

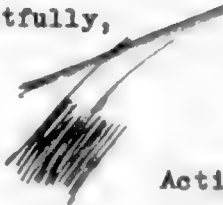
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application of Annie Nelson for the enrollment of her two minor children, Beulah M. and Charley M. McLain, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof, in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-220

IN THE MATTER OF THE APPLICATION

Bessie M. McLean et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A-Original testimony-August 10, 1900

B-memo of application - " 10, 1900

Copy of testimony

Cancelled and transferred
to Cherokee 1900
N 1251

See Cherokee Jacket R. 6
1928

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 29 1900



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I.T., AUGUST 10, 1900.

In the matter of the application of Thomas J. Ritter for enrollment of himself, wife and child, as citizens of the Cherokee Nation, said Ritter being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A Thomas J. Ritter.
Q Your age? A 34.
Q Your postoffice? A Black Gum.
Q In what district do you live? A Illinois.
Q For whom do you apply for enrollment? A Myself, wife and one child.
Q Do you apply for yourself as a Cherokee by blood? A No sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes.
Q What is your wife's full name? A Martha M.
Q How old is your wife? A She is 25, I think.
Q What was her name before you married her? A Hail.
Q Is your wife on any of the rolls of the Cherokee nation? A Yes.
Q Is she on the roll of '80? A No sir.
Q Why not? A She was not here at that time.
Q How did she get in--was she admitted by the Cherokee authorities?
A Yes.
Q Have you certificate of admission? A No sir.
Q When was she admitted? A I don't know.
Q What proportion of Cherokee blood do you claim ~~xxxxxx~~ for your wife? A She is about 1/8.
Q Is she on the roll of '94? A Yes.
Q Did she draw strapping money? A Yes.
Q And on the roll of '96? A Yes.
Q How long has she lived in the Cherokee Nation? A About 14 years I reckon.
Q Has she lived in Illinois district all the time? A No sir.
Q How long has she lived in Illinois district? A We have been there about 7 years.
Q Where did you live before that? A In Sequoyah.
Q How long did you live there? A I don't know how long she lived here.
Q Did you marry her in Sequoyah? A Yes.
Q Don't know how long she had been living there? A No sir.
Q When did you marry her? A '91, I think.
Q You present here a duly authenticated certificate of marriage issued by the Clerk of Sequoyah district under seal of his office, December 22, 1891, authorizing the marriage between yourself and Miss Lizzie Hail, the latter a Cherokee citizen. The certificate shows that you were married in accordance with said license on the 24th of December, 1891, by the Rev. J. B. Peterson. Upon further examination this is shown to be a certified copy of the original on file in said office from the record of marriages page 924. This will be filed with your application.
Q You and your wife have lived together ever since your marriage?
A Yes.
Q And lived all the time in the Cherokee Nation? A Yes.
Q Now give the name please of your child? A Bessie Maude, 3 years old.
Q This child is living at this time? A Yes.
Applicant's wife, Martha M. Ritter, on '94 roll, page 990, number 1191, as Martha L. Ritter.
On '96 roll, page 867, number 892, as Lizzie Hail.

Applicant, Thomas J. Ritter, on '96 roll, page 934, number 172.

Mr. Ritter, you state that your wife, Martha Elizabeth, has been admitted to citizenship by the Cherokee authorities under her maiden name of Hall. You do not present at this time a certificate or certified copy of the certificate of her admission, nor do you remember its date. Your wife is found duly enrolled upon the pay-roll of '94 and she is somewhat indefinitely identified upon the census roll of '96, there being enrolled under her maiden name instead of her married name-- it is perhaps a clerical error. You present duly authenticated certificate and license of marriage showing that you were duly married according to Cherokee law to your wife, December 24, 1891. You are identified upon the roll of '96. Your child, Bessie Maude, three years of age is too young to be upon any of the rolls of the Cherokee Nation. Your evidence at present is incomplete. You are desired to supply this Commission with a duly certified copy of the certificate of admission under which your wife is said to have acquired her right to Cherokee citizenship, or of the judgment of the court decreeing the same; and you are further desired to supply the Commission with a properly attested certificate of the birth of your child, Bessie Maude. As the case now stands your wife and child will be enrolled as Cherokee citizens by blood and you as a Cherokee citizen by adoption when you have supplied the Commission with the addition testimony just suggested. Until that is done your application for yourself and family is placed upon a doubtful card. That is all.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above named application, and that the foregoing is a full, true and complete transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 29th day of August, 1900, at Fort Gibson, I.T.

[Signature]

Commissioner.

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U. S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 3 1962


ACTING CHAIRMAN

"R"

Cherokee D 101.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Maggie Bush, et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw, attorney for applts.
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: There is offered in evidence a license
issued by Charles A. Davidson, Clerk of the United States
Court, by R. C. Hunter, Deputy Clerk, on the 24th day of
October, 1901, authorizing the marriage between Chauncey L.
Kiddy and Mrs. Maggie Bush, and a certificate showing that they
were married by E. E. Debeauvoir, Minister of the Gospel, on the
24th day of October, 1901.

BY MR. HUCKLEBERRY: We want to make inquiry as to her child-
ren, whether her children appear on the roll of 1894 and the
roll of 1896.

BY COMMISSIONER: They are on the 1896 roll.

MR. HUCKLEBERRY: We have all the evidence in there that we
can raise.

BY COMMISSIONER, of Mr. Huckleberry:

Q Do you submit this case to the Commission? A Yes sir.

BY MR. HASTINGS:

We submit it.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Ritter for the enrollment of himself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Martha E. Ritter and their daughter Bessie M. Ritter, as citizens by blood of the Cherokee Nation,

DECISION.

--oOo--

The record in this case shows that on August 10, 1900, Thomas J. Ritter appeared before the Commission at Sallisaw, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage, and for his wife Martha E. Ritter and their daughter Bessie M. Ritter, as citizens by blood of the Cherokee Nation.

It appears from the evidence in support of this application that Martha E. Ritter was admitted by the name of "Martha E. Nail" to citizenship in the Cherokee Nation, on the 29th day of September 1887, as evidenced by a certificate duly certified to and issued out of and by the office of the Commission on Citizenship, Tahlequah, Cherokee Nation. A copy of which is attached hereto.

Thomas J. Ritter was married on the 24th day of December 1891 to his wife Martha E. Ritter, in accordance with the laws of the Cherokee Nation as evidenced by a copy of marriage license and certificate attached hereto.

Martha E. Ritter has resided in the Cherokee Nation "about fourteen years." She is identified on the Cherokee Strip Payment roll of 1894 as "Martha L. Ritter", and on the Cherokee census roll of 1896 by her maiden name "Lizzie Nail."

Thomas J. Ritter is identified on the Cherokee Census roll

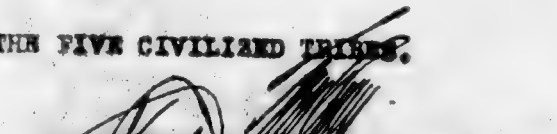
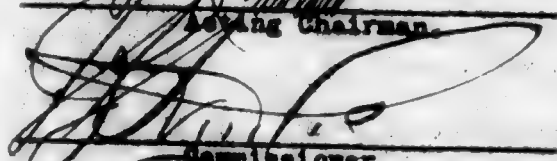

Cherokee D 110 - 2 -
of 1896.

Bessie M. Ritter having been born subsequent to the making of the Census roll of 1896 is identified by an affidavit of birth which is on file in the office of this Commission.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 26, 1896, (30 Stats. 495.)

It is the opinion of this Commission that Thomas J. Ritter is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that Martha M. Ritter and their daughter Bessie M. Ritter are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment should be granted and it is therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 20 day of May 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. 110.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

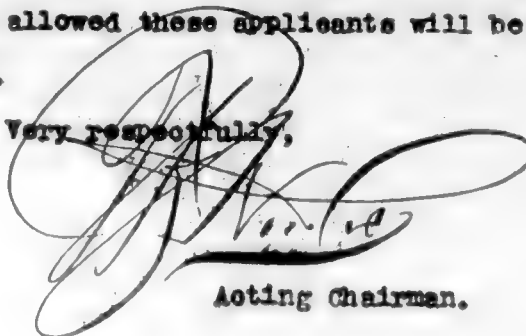
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Thomas J. Ritter for the enrollment of himself, his wife, Martha E. Ritter, and their daughter, Bessie M. Ritter, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. C-110.

IN THE MATTER OF THE APPLICATION

Thomas J. Ritter et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony. August 10, 1900
- B. memo of application. " 10, 1900
- C. Marriage license and certificate
- D. Birth affidavit - Bessie M. Ritter
- E. Certificate of admission to citizenship

Sept 8, 1902. Cancelled and
transferred to Cherokee Card
No 9.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 17 1900


ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., Aug. 10, 1900.

In the matter of the application of George Ellis for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Hendon he testifies as follows:

Q What is your name? A George Ellis.
Q What is your age? A Twenty-one.
Q What is your post-office address? A Sallisaw.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q For what do you apply for enrollment? A Myself.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A All my life.
Q Are you married? A No sir.
Q What is your father's name? A Mitchell Ellis.
Q Is he living? A Yes sir.
Q Is he a citizen? A Yes sir.
Q What is your mother's name? A I don't know her name, she died when I was small.
1898 roll, page 1205 1898 George Ellis, Sequoyah District.

Examiner Hendon: The name of George Ellis appears upon the 1898 census roll of 1896, but upon examination of the authenticated roll of 1898 and the 1900 roll of 1904 his name cannot be found; and no further proof being made as to his citizenship, judgment as to his enrollment will be suspended, and he will be placed upon what is known as a doubtful card.

M. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing facts and that the above is foregoing is a full true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this 17th day of August 1900.

M. J. Green
[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., April 10, 1900.

In the matter of the application of George Ellis for the enrollment of himself as a Cherokee citizen; being sworn and examined by the undersigned Special Agent in Charge as follows:

Q What is your name? A George Ellis.
Q What is your age? A Twenty-two.
Q What is your post-office address? A Sallisaw.
Q How long have you been a citizen by blood? A Yes sir.
Q How long do you apply for enrollment? A Myself.
Q What district do you live in? A Sallisaw.
Q How long have you lived there? A All my life.
Q Are you married? A No sir.
Q What is your father's name? A Mitchell Ellis.
Q Is he living? A Yes sir.
Q Is he a citizen? A Yes sir.
Q What is your mother's name? A I don't know her name; she died when I was small.
I was born in 1878, George Ellis, Sallisaw District.

On further examination: The name of George Ellis appears upon the 1890 census roll of 1890, but upon examination of the 1890 roll of 1890 and the 1900 roll of 1900 his name cannot be found; and no other proof being made as to his citizenship, judgment as to his enrollment will be suspended, and he will be placed upon what is known as a doubtful card.

W. Greenleaf, first deputy, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and the above are the foregoing a full true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this 17th day of April 1900.

W. Greenleaf
W. H. L.

Commissioner.

D. 111.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D.C., February 18, 1908.

In the matter of the application of George Ellis for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1908, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could appear before the Commission on said date and introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter. The applicant has been called three times, and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

Cherokee D 111

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Ellis as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900, George Ellis appeared before the Commission at Ballisaw, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The evidence shows that George Ellis at the time of this application was 21 years of age. He is identified on the Cherokee Census Roll of 1896 as a native Cherokee. His father Mitchell Ellis, is identified on the Cherokee Authenticated Tribal Roll of 1880 as a native Cherokee.

The evidence further shows that said George Ellis has resided in the Cherokee Nation all his life, and was a resident therein at the date of this application.

It is, therefore, the opinion of this Commission that George Ellis should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 20, 1896, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEED

Blair

Acting Chairman.

NEED

Commissioner.

NEED

Commissioner.

Dated at Muskogee, Indian Territory,

this

NOV 20 1900

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cher. D-111.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

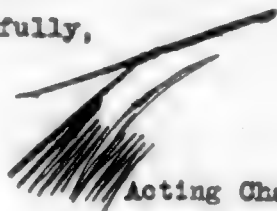
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of George Ellis for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-80.

IN THE MATTER OF THE APPLICATION OF

George Ellis

FOR ENROLLMENT

CHEROKEE CITIZENS.

A. Original testimony: August 10, 1900

B. memo of application - 10, 1900

Notice of final consideration

C. Order closing testimony, Feb. 18, 1902

George Ellis

James H. Smith

Cher D112

Cher D112

2712

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 17 1900



ACTING CHAIRMAN.

Department of the Interior,
Commissioner of the General Land Office,
Washington, D. C., August 18, 1900.

In an answer to his application of 1941, Samson was recalled to the attention of the Commission; and he was examined by Counsel at New Zealand and testified as follows:

Q What is your name? A Ellen Conn.
Q What is your age? A Twenty.
Q What is your post-office? A Warren.
A I am a recognized citizen of the Cherokee Nation by blood.
Q You are?
A Yes, I am.
Q How long do you live in? A Cherokee Nation.
Q How long have you lived there? A All my life.
Q Where is it out of it? A No sir.
Q What was your father's name? A Ellen Conn.
Q Is he living? A Yes sir.
Q Is he a citizen in blood? A Yes sir.
Q What is your mother's name? A Ellen Conn.
Q Is she living? A No sir.
Q Was she a citizen by blood? A Yes sir.
Q When did she die? A She has been dead a good while, I could not tell you exactly when.
Q Are you married? A No sir.
Q You just came from England? A Yes sir.
10-1-1900, page 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 17

Reported; to be the as follows:

Q What is your name? A John Williams.
Q What is your rank? A First Lieutenant.
Q What is your post-office? A Baltimore.
Q And you are a native citizen of Maryland? A Yes sir.
Q Do you know Lydia Adams? A Yes sir.
Q Do you know her father and mother? A Yes sir.
Q What is her father's name? A Elias Adams.
Q And her mother's name? A Susan.
Q When was she recognized as a native citizen of Maryland?
A Yes sir.
Q Always lived in the United States? A Yes sir, and a
while during the War.
Q These names are not to be upon the authentic roster of
1860, are you certain of that? A Yes sir, I know they were here.

Identification by the reader is not required;

Q Was this girl's mother a Cherokee Indian?
A That relation was due to your father, the white sister,
Q Was she a Cherokee by blood?
A Yes sir,
Q Was she living here in 1907?
A Yes sir,
Q And she recognized him as a Cherokee of her blood?
A Yes sir,
Q Was this girl's father a citizen of the Cherokee Nation by blood?
A Yes sir,
Q And he recognized him?
A Yes sir,
Q Has this girl been born in the country ever since she was born?
A Yes sir.

Nomination by Committee or Headline:

Q That degree of blood did her mother have? A I don't know hardly what; I don't know how much I have gotten no.

Lydia Gann #2

Q What degree of blood did her father have? A I don't know I guess about a half-breed.

Q What degree of blood do you claim? A I don't know, about one-eighth I guess.

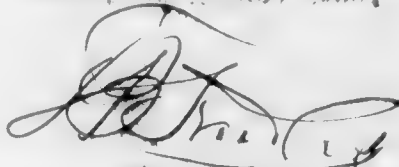
Examination by Cherokee Representative in stings:

Q Was her father a full brother of Thomas Gann whose name is on the roll of 1880, a son of George Gann? A Yes sir, I guess so.

Committee's findings: The name of Lydia Gann appearing upon the census roll of 1896, and also upon the pay roll of 1894, and satisfactory proof being made as to her residence, but her name not being found upon the official roll of 1880, neither the name of her father nor mother, consequently final judgment as to the application of Lydia Gann will be suspended, and her name will be placed upon a doubtful card.

W. H. Gann, being first duly sworn, states that an stenographer to the Commission to the Cherokee Tribe, reported the foregoing facts and that the above are foregoing a full true and complete transcript of the stenographic notes.

Subscribed and sworn to before me this 17th day of August 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MURKOW, I. T., AUGUST 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Alias Gann, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Alias Gann.
- Q What is your age? A Forty eight.
- Q What is your Postoffice? A Ganns.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q By blood? A Yes sir.
- Q What District do you live in? A Sequoyah.
- Q How long have you lived there? A All my life.
- Q Never lived out of it? A I have been in Flint District, but never out of the Nation.
- Q For whom do you apply? A Myself, wife and children.
- Q What is your father's name? A George Gann.
- Q Is he living? A No sir.
- Q What is your mother's name? A Mary Ann Gann.
- Q Is she living? A No sir.
- Q Died since 1890? A No sir; before.
- Q What is your wife's name? A Sallie Gann.
- Q Is she living? A Yes sir.
- Q What is her age? A Thirty one.
- Q What was her name before you married her? A Powell.
- Q What was her father's name? A Lige Powell.
- Q Is he a citizen? A No sir.
- Q Is her mother a non citizen? A Yes sir.
- Q Your wife is a white woman? A Yes sir.
- Q When did you marry her? A In 1887.
- Q Have you any marriage certificate? A No sir.
- Q Any proof of marriage? A Yes sir; I can prove it by witnesses that saw us married.
- Q Where were you married? A In Sweet Town.
- Q In the Cherokee Nation? A Yes sir.
- Q Who married you? A A preacher named Cornelius.
- Q Is he living? A I do not know.
- Q Did he give you any certificate? A No sir.
- Q What are the names of your children? A Rabbit Gann.
- Q How old are you? A Eleven years old.
- Q Any other name besides Rabbit? A No sir.
- Q Next one? A Minty Gann.
- Q How old is Minty? A Nine.
- Q What is the name of the next one? A Lizzie May Gann.
- Q How old is Lizzie Gann? A Six Years old.
- Q What is the name of the next one? A That is all.
- Q These children are all living, and living with you? A Yes sir.
- Q You have no proof here of your marriage? A No sir; not on the ground here; none of them that saw us married.
- Q Have you any witnesses that saw you married? A Yes sir; I can go to Hanson and get some.
- Q Are the names of your father and mother on the rolls of 1890?
- A My father is.
- Q What is your father's name? A George Gann.
- (Applicant's father identified on the roll of 1890, Page 699, #553, George Gann, Sequoyah District)
- (Applicant's wife identified on the roll of 1896, Page 1114, #67, Sallie Gann, Sequoyah District)
- Identification of applicant's children:
- (1896 Roll, Page 1071, #320, Rabbit Gann, Sequoyah District)
- (1896 Roll, Page 1071, #321, Mintie Gann, Sequoyah District)
- (1896 Roll, Page 1071, #322, Lizzie May Gann, Sequoyah District)
- (1894 Roll, Page 907, #570, Swimmer Gann, Sequoyah District)
- (1896 Roll, Page 1071, #318, Elias Gann, Sequoyah District; Applicant)

- Q The name of Swimmer Gann is found on the pay roll of 1894; are you the identical person, Swimmer Gann? A Yes sir.
- Q I find on the roll of 1890, the name of George Gann, is he your father? A Yes sir.
- Q Was he an Indian? A Yes sir.
- Q Was your mother an Indian by blood? A Yes sir.
- Q She died before 1890? A Yes sir.
- Q Do you know of any reason why your name was left off of the roll of 1890? A No sir; unless it was missed by copying it from book to book.
- Q Were you living in the Cherokee Nation in 1890? A Yes sir.
- Q Born and raised in the Cherokee Nation? A Yes sir.
- Q What degree of blood do you claim? A Not to be a half; my father was one half, and so was my mother.

The name of Elias Gann appears on the census roll of 1896; also on the pay roll of 1894 as Swimmer Gann; he is identified as the identical person named, and his father, George Gann appears on the authenticated roll of 1890: (He is now deceased); satisfactory testimony has been given that said Elias Gann is a direct descendant of said George Gann, deceased, and that he is a Cherokee by blood, born in the Cherokee Nation, and has always lived there. The evidence as to his citizenship is satisfactory, and he will be listed for enrollment as a citizen by blood. He avers that he was married to his wife, Sallie Powell in the year 1897, but has no certificate of marriage, and no present real proof of marriage; the name of his wife is found on the census roll of 1896, as well as the names of his children: Rabbit, Mintie, Lizzie May Gann; they all being fully identified according to the page and number of said rolls as indicated in the testimony; and having made satisfactory proof of residence, his said wife, Sallie Gann, will be listed by this Commission for enrollment as a citizen by intermarriage, upon satisfactory proof being made hereafter as her marriage with her said husband, Elias Gann; and the names of his children, Rabbit, Mintie and Lizzie May Gann will also be duly listed for enrollment ~~as~~ as Cherokee citizens by blood, upon presentation to this Commission of the proof of marriage of their mother and father.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this 24th day of August, 1900.



COMMISSIONER.

2112

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 11 1902

ATTEST

D. 112.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 12, 1902.

In the matter of the application of Lydia Gann for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1902, that her case would be taken up for final consideration by the Commission on the 14th instant, and that she could appear before the Commission on said date and introduce any additional testimony affecting her case. She has been called three times and fails to respond either in person or by attorney, and the case is closed,



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lydia Gann for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on August 13, 1900, Lydia Gann appeared before the Commission at Muldrow, Indian Territory, and then and there made application for her enrollment as a citizen by blood of the Cherokee Nation. The testimony taken on August 17, 1900, in the matter of the application of Elias Gann, et. al. has been filed and made a part of the record herein.

The evidence shows that Lydia Gann at the time of this application was 20 years old. She is not identified on the authenticated tribal roll of 1880, but her name appears upon the Strip payment roll of 1894, and the Cherokee Census roll of 1896. Her parents are not identified upon the authenticated tribal roll of 1880, but it is found that Thomas Gann, her paternal uncle, is identified on the roll of 1880, on page 699, No. 554, Sequoyah District, and it is also found that John Faulkner, a brother of Susan Faulkner, who is the mother of this applicant, is identified on the roll of 1880, page 695, No. 462., Sequoyah District. Applicant's parents were living in the Cherokee Nation in 1880, and the evidence shows that they lived there always except during the Civil War. The applicant has resided in the Cherokee Nation all her life.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495):

It is therefore the opinion of the Commission that Lydia Gann is entitled to be enrolled as a member by blood of the Cherokee

Tribe of Indians in Indian Territory and that had application for enrollment as such should be granted, and it is so ordered.

THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

Dated at Muskogee, Indian Territory,

this SEP 20 1902

304

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 112.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

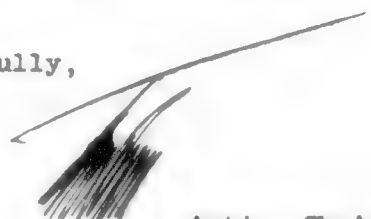
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Lydia Gann for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 67.

IN THE MATTER OF THE APPLICATION OF

Ludie Gann

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 10, 1900

B. mem^e of application - " 10, 1900

C. testimony in case of applicant's father - August 17, 1900

D. Notice of final consideration

E. Order closing testimony Feb. 18, 1902

Decision

Filed to
Chancery No 9131

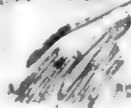
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1900


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULBROW, I.T., AUGUST 13, 1900.

In the matter of the application of James Shook for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Shook being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A James Shook.
Q Your age? A 66.
Q Your postoffice address? A Union Town, Ark.
Q Are you a recognized citizen of the Cherokee Nation, A Yes, I suppose so.
Q Don't you know you are? A I have always known so until now—don't know what it is now.
Q Are you on any of the rolls of the Cherokee Nation? A Yes.
Q Claim citizenship by blood? A Yes.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Ever since peace was made in '66.
Q Continuously? A Yes.
Q Never lived out? A No sir.
Q What is your father's name? A Alex.
Q Is he living? A No sir.
Q What is your mother's name? A Nellah.
Q Is she living? A No sir.
Q Are you married? A Yes.
Q What is your wife's name? A Sarah E.
Q What was her name before you married her? A Sears.
Q When did you marry her? A Before the license law ever came into effect.
Q Did you marry her before '80? A Yes.
Q What district does she live in? A A Sequoyah.
Q Always lived there same as you? A Yes.
Q Have you any children under 21 years of age? A Yes.
Q What are their names? A John B., 18 years old.
On '96 roll, page 994, number 1278.

- Q Next? A Amos, 14 years old.
On '96 roll, page 1103, number 1451;
On '94 roll, page 994, number 1279, as Amos.
Q Next? A 12 years old. *Lellie*
On '96 roll, page 1103, number 1452, as Lillie M.,
On '94 roll, page 994, number 1280, as Lellie.
Q Are these children alive and living with you? A Yes.

By Mr. Hastings, Cherokee Attorney:

- Q Where were you in '80? A In Yell county, Ark.
Q How long did you live in Yell county, Ark? A About 20 years.
Q What year did you go there? A 1870.
Q You remained there until '90? A I reckon it was '90. I don't know what year we came back; came back the year we drewed that bread money—it was before the strip payment.
Q All of these children born in Arkansas? A Yes.

By the Commission:

- Q When did you move back from Arkansas here? A In '90 I reckon.
Q Been living here ever since '90 with your family, wife and children all the time in this district? A Yes.
Applicant on '96 roll, page 1103, number 1446;
On '94 roll, page 994, number 1276.
Applicant's wife, Sarah E., on '96 roll, page 1118, number 174, as Sarah E.

Q You say your wife's name before you married her was Sarah H. Sears?
A Yes.

Q You married her in the State of Arkansas? A Yes.

Q Was she a citizen of the Cherokee nation? A No sir, not that I know of.

Q Neither was her father or mother? A No sir.

Q Did you apply for citizenship to the Commission to the Five Civilized Tribes known as the Daves Commission? A Not for myself, but I did for some of my children.

Q When? A '96.

Q Were they admitted? A No sir.

Q Did you ever apply to the Cherokee Commissioners for admission?

A No sir, I thought I was a Cherokee and did not see any use of it.

Q You have never been readmitted by the Cherokee nation? A I don't know.

The names of James Shookand his wife, Sarah H., and his children, John H., Amos, and Lillie H., appear upon the census roll of '94 and pay-roll of '94 as indicated in the testimony given. Neither his name nor the name of his wife ~~XXXXXXXXXXXX~~ appear upon the authenticated roll of '80, the testimony showing that he only became a resident of the Cherokee Nation in '90, having resided for 20 years previous thereto in the State of Arkansas where he married and his children were born, and he never applied to the commission to the Five Civilized Tribes in '96; at least there is no record of him or his wife having been admitted. Final judgment as to himself, wife and children is suspended and the names will be placed upon the doubtful list.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Brown McDonald

Subscribed and sworn to before me this 30th day of August, 1900,
at Fort Gibson, I.T.

C. M. Purville

Commissioner.

D113

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 11 1902

Commissioner.

Remond of the Bureau of Indian Affairs, and the same is hereby
submitted to the Commission. He has been called three times and has
been present at the Commission of the Five Civilized Tribes
Commission on the 18th instant, and that he is continuing on said date
the same would be taken as the said government in the
said subject, and is hereby referred to the said subject in the
said subject.

RECEIVED IN OFFICE OF THE COMMISSIONER
IN THE OFFICE OF THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES

Winko, 1.1.1. 18th instant 18th 1808.
Commission to the Five Civilized Tribes
Department of the Interior.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Margaret Ainsworth, and others, for enrollment as Cherokee citizens:

Appearances:

J. W. Breedlove, Muldrow, I. T., for applicants;
W. W. Hastings, for Cherokee Nation.

Statement by J. W. Breedlove, for applicants: There is the testimony of Mrs. Emily Breedlove, of Tahlequah, Indian Territory, connected with the Mary Ross case, that is relevant, I think, in this case, and we desire to have a copy of it filed in this case. Of course the testimony in both cases is almost the same.

The Commission: It is directed that the testimony of Emily Breedlove filed in the matter of the application of Mary Ross, D 132, be made a part of the record in the matter of the application of Margaret Ainsworth, and others, D 131.

The Commission, (addressing Mr. Breedlove): You submit this case to the Commission for final consideration?

Mr. Breedlove: Yes sir,

The Commission: You desire to file a brief?

Mr. Breedlove: Yes, we do.

The Commission: Attorneys for applicants will be granted ten days in which to file brief. Applicants will be given ten days in which to file briefs in the case at bar and also in the case of Mary Ross, D 132.

The Commission: You submit this case now to the Commission?

Mr. Breedlove: Yes sir.

The representative of the Cherokee Nation also submits the case on behalf of the Cherokee Nation for the final consideration of the Commission; and the same is closed.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings had in the above matter, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902

[Signature]
Commissioner.

D. 113.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 12, 1902.

In the matter of the application of James Shock et al to
be enrolled as citizens of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902,
that his case would be taken up for final consideration by the
Commission on the 18th instant, and that he could on said date
appear before the Commission and introduce any additional testimony
affecting his case. He has been called three times and fails to
respond either in person or by attorney, and the case is closed.



Commissioner.

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of redwood as, 'just after the "forest" on each side of the

of James Brock, et al, Charles D. Tiz, and William T. Brock,

DATE FOR FURNISHING ATTN TO BOSTON WYATT AND SONS

substitution

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Supp'l to Cher D 113;

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 29, 1902.

In the matter of the application of James Shook for the enrollment of himself, his wife Sarah E. Shook, and his three children John B., Ames and Lillie M. Shook, as citizens by blood of the Cherokee Nation:

GEORGE GUNTER, being duly sworn and examined by the Commission testified as follows:

- Q What is your name ? A George Gunter.
Q What is your age ? A Fifty two years old.
Q What is your post office address ? A Redland, I. T.
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation ? A Yes sir.
Q Do you know James Shook ? A Yes sir, I did know him.
Q Is he living now ? A I don't know. The last time I saw him he was before the Commission here at Muldrow, and at that time he was in a pretty bad fix with the dropsy, and I haven't saw him since.
Q How long has it been since you first knew him ?
A When I was a boy he was out on Red River, he lived right close to my father out there, and he was recognized as a Cherokee.
Q How long has it been since you have known whether he is living or dead ? A Why I don't know. It was--I guess it must have been about 1879 or 1880.
Q Has it been that long since you have known him ?
A Never knowed him before that. The last time I saw him was when he was before the court here.
Q From 1879 to 1900 when he was before the Commission, did you know him between these dates ?
A In 1862 to about 1879 or 1880.
Q And then from 1879, you haven't known him since that time ?
A I didn't know where he was at.
Q You don't know whether he has been a recognized citizen since 1880, or where he has lived ? I understand you to say that you have not known anything about James Shook since 1879, is that correct ? A Yes sir, I didn't know where he was at.

Examined by J. C. Starr:

- Q Where did you see him in 1879 ? A He was living close to Mayfield's farm. He lived in that bottom. A man named Dave Ross killed a fellow close to Fort Smith and Shook was a witness against him, and he left the country and that was the last time that I seen him until he was before the Commission.
Q You are sure that was in 1879 ? A I aint certain. Dave Ross was tried there at Van Buren before Judge Parker.
Q Mr. Shook testified in his own testimony that he lived in Yell County, Arkansas, from 1870 to 1890. Have you seen him here since 1870 ? A He was living there on that place about the time Dave Ross killed John Riddle.
Q When was it you saw him on Red River ?
A It was in 1863 or 1864.
Q Red River is not in the Cherokee Nation is it ?
A No sir, it is in the Choctaw Nation.

By the Commission:

- Q Do you know whether James Shook was or was not living in the Cherokee Nation on the 28th day of June, 1898 ?
A No sir, I do not.
Q You don't know whether he has ever been recognized as a citizen of the Cherokee since 1879, do you ? A No sir.

BUPFORD L. SUMMERHILL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Buford Summerhill.
Q How old are you ? A Fifty.
Q What is your post office address ? A Uniontown, Arkansas.
Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation ? A No sir.
Q You are a citizen of the State of Arkansas ?
A No sir, I was an adopted citizen of this country. I live in the Cherokee Nation.
Q You are not a citizen of the Cherokee Nation then ?
A No sir, not now.
Q Do you know James Shook ? A Yes sir.
Q About how old is he ? A He claimed that he was fifty four years old.
Q What is his wife's name ? A Bettie. They called her Sarah E.
Q What are the names of his children ? A John B Shook, Amos Shook, and Nellie Shook.
Q How long have you known James Shook ?
A I have known him about nine or ten years.
Q Where was he living when you first knew him ?
A He was living in the Cherokee Nation on a place, I believe they called it George Johnson's place on Lee's Creek, and I moved him from that place to my place. He rented land from me.
Q Is your place in the Cherokee Nation ? A Yes sir.
Q Where has James Shook and his family been living ever since you have known them ? A In the Cherokee Nation.
Q Have they ever lived in Arkansas since you have known them ?
A No sir, not since I have known them.
Q How long has it been since you have ceased to be a citizen of the Nation ? A I don't exactly know; it's been nearly a year since I got--I believe it was along--I don't know the exact date when I got my return from the Secretary of the Interior. Don't know whether it was last fall or last spring, but it has been six or eight months. I don't know the exact date.
Q When you first made application for your own enrollment you were placed on a memorandum were you ? A Yes sir.
Q You were not on any of the tribal rolls were you ?
A At that time? Yes, I was on the 1880 roll, and, I reckon, on the 1896 roll. I am on the 1880 roll I knew.

Examined BY J. C. STARR:

- Q Have you married out ? A Yes sir, that's what they claim.

- By the Commission: How long has it been since you married out?
A It's been about eight or nine years ago; I don't know exactly.
Q You married out and forfeited your rights about the time you first knew James Shook didn't you ?
A No, I married out after I knew James Shook; it's about eight

years I guess I have been married, I don't know the exact date, but I knowed him about a year or two years before I was married.

Q Do you know whether James Shook or any member of his family have been recognized as citizens of the Cherokee Nation? A Yes sir.

Q In what way have they been recognized?

A Well, at the time of the strip payment, taking census, I was with him up to where they was taking the census, and Dave Ross he was census taker---

Q Did he draw money? A Yes sir he drawed money, and drawed Old Settler money.

Q Was he allowed to vote? A Yes sir. I never seen him vote. He went to the election, and he told me that he voted.

Q Did he ever hold any office in the Cherokee Nation?

A No sir, he ~~xx~~ didn't have no education, could barely read and write.

Q Then, you state you have known him for ten years, and during all that time he has lived in the Cherokee Nation, and has voted and drawn money as a citizen of the Cherokee Nation?

A Yes sir, he told me he had voted, I never seen him vote, and others said he voted.

By J. C. Starr:

Q You don't know of your own knowledge that he voted?

A No sir.

Q Just from what people told you? A Yes sir.

WILLIAM THORNTON, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William Thornton.

Q What is your age? A About 43.

Q What is your post office address? A Remy.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.

Q Do you know James Shook? A I know him; yes sir I know him.

Q About how old is he? A Old man Shook, I can't tell you.

Q What is his wife's name?

A Her name; she goes by Bettie Shook, so far as I know.

Q Has he got some sons? A Yes sir, these two boys here.

Q What are their names? A Johnnie Shook and Dick; and he has got a little girl at home; her name is Lillie Shook.

Q How long have you known James Shook?

A I didn't know him no great while. You see he lived down in the river bottom and I lived away up here toward Sallisaw, and I never seen him until after he had been here two or three years.

Q How many years have you known him? A Ten or twelve, I guess, or maybe longer.

Q Where was he living when you first knew him?

A Gabe Penn's.

Q Is that in the Cherokee Nation? A Yes sir.

Q You never knew him prior to that time? A No sir. Never knew him till he come here.

Q You speak of his coming here; do you know where he came from when he came here? A I suppose he come from the State.

Q You don't know of your own personal knowledge where he came from?

A No sir.

Q Did you ever hear him say where he came from?

A Yes sir, he told me he come from the State.

Q Has he been living in the Cherokee Nation continuously since you have known him? A Yes sir.

Q Have the members of his family, whose names you have called, lived with him continuously in the Cherokee Nation? A Yes sir.

- Q Are they all living with him now ? A Yes sir.
Q Is James Shook living now ? A No sir. The old man himself, James Shook, is dead.
Q Was he recognized as a citizen of the Cherokee Nation from the time you knew him up until his death ? A Yes sir. They recognized him. He drew strip money, and Old Settler money, and also he voted at the precinct at Lee's Creek.
Q Do you know of your own personal knowledge that he voted ? A I was right there when he voted, that is, he went up to the place and voted, and come out and said he voted.
Q His family are all living in the Cherokee Nation now ? A Yes sir. Living right there on Lee's Creek.

Examined by J. C. Starr:

- Q Did you see him before the Strip Payment ? A Yes sir.
Q How long before ? A About--well, I declare I don't remember how long before.
Q How long had he been here before you saw him ? A He had been down there in the bottom I suppose about two or three years maybe, before I seen him. I don't remember just how long.
Q If he testified before the Commission that he came here in 1890, it must have been about 1892 when you saw him ? A I don't know anything about it.
Q Was it very long before the strip payment ? A Well, I can't say just how long, because I don't recollect.
Q Do you think it was a short time before the strip payment ? A I seen him before the strip payment.

JOHN B. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A John B. Shook.
Q How old are you ? A I am 19 years old.
Q You are a son of James Shook ? A Yes sir.
Q Where were you born ? A In Arkansas.
Q How long did you live in Arkansas after you were born ? A About six years.
Q Where did you go to when you left Arkansas ? A Come to the Cherokee Nation.
Q Have you been living here ever since ? A Yes sir.
Q You lived in the State of Arkansas continuously for six years after you were born ? A Yes sir.
Q Were you living with your parents then ? A Yes sir.
Q Were they keeping house in Arkansas ? A Yes sir.

Examined by J. C. Starr:

- Q What town did you live in in Arkansas, what was your post office address ? A Dardanelle.
Q In Yell County ? A Yes sir.
Q What year were you born in ? A I can't tell you, this is the first time I was ever in such as this, and I had it to do this time. I aint able to count much.

WILLIAM T. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William T. Shook.
Q What is your age ? A Twenty four.
Q What is your post office address ? A Uniontown, Arkansas.

- Q Are you a son of James Shook ? A Yes sir.
Q Brother of John B. Shook ? A Yes sir.
Q Where were you born ? A In Arkansas.
Q What year were you born ? A I don't know.
Q If you are twenty four, you would have been born in 1878, is that right ? A I guess it is.
Q How long did you live in the State of Arkansas ?
A About eight years I guess.
Q Where did you go when you left that State ?
A I come to the Nation.
Q What year did you come to the Nation ?
A It was about 1890, I believe. I come in 890.
Q Were you living with your parents in the State of Arkansas ?
A Yes sir.
Q Were they keeping house there ? A Yes sir.
Q Were you ever in the Cherokee Nation before you moved over here to live ? A Never was.
Q You parents never had a home over here that you know of until they moved over here in 1890 ? A Nothing only what they told me.
Q Not since you had been born, anyway ? A No sir, just what I had been told is all I know about it.
Q Have you lived in the Cherokee Nation continuously since 1890 ?
A Yes sir.
Q Have your father and the other members of the family lived here continuously since 1890 ? A Yes sir.
Q Do you know whether your father ever voted in the State of Arkansas ? A I don't recollect.
Q Did you ever hear him say ? A No sir, I never did.

Examined by J. C. Starr:

- Q What town in Arkansas did you live in ? A Dardanelle.

By the Commission: Is there any other statement you wish to make ?

- A No sir, not that I know of. I know he voted in the Indian Territory, and so did I. Me and him both voted.

By J. C. Starr:

- Q This voting you are talking about was since 1890 was it not ?
A Yes sir.

By the Commission:

- Q Did you or your father ever apply to the Dawes Commission in 1896, or to the Cherokee Nation, to be re-admitted to citizenship after you removed to the Cherokee Nation in 1890 ?
A Why I don't remember whether he did or not. I don't recollect whether he did or not.
Q You don't remember whether he applied to this Commission in 1896 do you ? A No sir, I don't. I have got a letter in 1894 that the Commission wrote him. I guess it is.
Q That the Dawes Commission wrote him ? A I guess it is.
(Witness produces letter)
Q Did you or your father ever employ a lawyer to make application for citizenship in the Cherokee Nation ?
A No sir.
Q Never made out any papers ? A No sir.

Q Did your father ever go to Tahlequah about his citizenship?

A Yes sir. He went; now whether he went on this business or not I don't know. He was up there two or three different times. I don't know what he went up there for.

Q Is there any other statement you wish to make in connection with your application?

A No sir, I don't know as there is.

The Commission: This testimony will be filed with and as supplemental to the record heretofore taken in the applications of James Shook, et al, Cherokee D 113, and William T. Shook, Cherokee D 114.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this September 5, 1902.

B. C. Jones
Notary Public.

and I come to the belief
 that the Five Civilized Tribes are not
 in a position to be able to pay the
 same as the other tribes.

The undersigned, being duly sworn, states that on September 18, 1902, he was present at the meeting of the Five Civilized Tribes at their annual meeting at the same place, and that the foregoing is a true and correct copy of the proceedings of the same.

[Signature]

Subscribed and sworn to before me this 24th day of November, 1902.

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
 NOV 23 1902

[Signature]

ACTING CHAIRMAN

[Signature]
 Special Agent

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1908.

In the matter of the application of James Shook for the enrollment of himself and children, John B., Amos and Lillie M. Shook, as citizens by blood, and for the enrollment of his wife, Sarah E. Shook, as a citizen by intermarriage of the Cherokee Nation; said Sarah E. Shook being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Sarah E. Shook.
Q About how old are you? A About forty-seven years old.
Q Where do you live? A Uniontown.
Q Arkansas? A Yes sir.
Q You are the wife of James Shook now dead, are you? A Yes sir.
Q Did you make the application to this Commission in 1900 during the month of August for the enrollment of your husband, yourself and children as citizens of the Cherokee Nation, or was that application made by your husband? A My husband died.
Q He is dead now? A Yes sir.
Q He died since that time? A Yes sir.
Q He was a Cherokee by blood? A Yes sir.
Q You are a white woman? A Yes sir.
Q When were you married to your husband, James Shook, about when? A Twenty-eight years ago.
Q Have you filed with the Commission evidence of your marriage to him - did you have a marriage certificate when you were married - did the minister give you a certificate? A Yes sir.
Q Did you file that with the Commission - did your husband file it when he applied for your enrollment? A I don't know.
Q You and your husband did live together continuously from the time of your marriage up until the time he died? A Yes sir.
Q Had you ever separated? A No sir.
Q When did he die? A He died about two years ago in September, 1906 I believe.
Q Have you married since his death? A No sir.
Q A single woman now? A Yes sir.
Q And were on the first day of September, 1908? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About twelve or thirteen years.
Q Have you lived continuously during the last twelve or thirteen years? A Yes sir, never been away.
Q Were these children for whom you applied, John B., Amos and Lillie M., all born in the Cherokee Nation? A No sir.
Q Where was John B. born? A They were all born at Dardanelle, Arkansas.
Q Have they lived in the nation as long as you have? A Yes sir.
Q Are they living here now? A Yes sir.
Q They are all alive? A Yes sir.
Q Were you ever married before you married James Shook? A Yes sir.
Q Was your first husband living or dead when you married him? A Dead.
Q Was James Shook ever married before he married you? A Yes sir.
Q Was his wife living or dead when he married you? A She was dead.
J. Q. Starr: What was your first husband's name? A It has been so long ago, I forget his name - George Lee.
Q Where were you and he married? A Dardanelle.
Q Did you live with him until he died? A Yes sir.
Q Where did you live when he died? A Dardanelle.
Q What was the name of Mr. Shook's first wife? A I don't know.
Q Where did they live during their lifetime? A In the nation.
Q Did he live with her until she died? A Yes sir.
Q Are you sure she was dead before he married you? A Yes sir, I am sure she was dead.

B. Jones Book et al.

Q. How long did you live in Pampa, Texas? A. I lived there until I came to the prison.

The undersigned, being duly sworn, states that as stenographer to the Commission the five affidavits taken he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. Schuberger

Subscribed and sworn to before me this 24th day of November, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SARAH E. SHOOK ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Principal applicant in person.
For Cherokee nation, L. B. Bell on behalf of W. W. Hastings.

SARAH SHOOK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Sarah Shook .
Q Is your full name Sarah E. Shook? A Yes sir.
Q How old are you? A About 49.
Q What is your post office? A Uniontown, Arkansas.
Q Are you the widow of James Shook, who was an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q He is dead now? A Yes sir.
Q You have four children who are applicants for enrollment? A Yes sir.
Q Give their names? A William Tucker, John the Baptist, and Lillie May, and Amos.
Q Are they all living at this time? A Yes sir, they are all living.
Q Your husband left the Cherokee nation several years prior to the time the 1890 roll was made, do you know the date that he left the Cherokee nation? A No sir, I don't.
Q Were you and he married when he left the Cherokee Nation? A No sir.
Q Do you know when he returned to the Cherokee Nation? A I don't know exactly, it has been about 15 years though I reckon.
Q Were you and he married in Arkansas? A Yes sir.
Q At what place? A Bardenelle.
Q In what County is that? A Yell County.
Q Do you know in what year you were married? A No sir, I don't.
Q How long were you married before your oldest child was born? A A little over a year.
Q What is the name of your oldest child? A William Tucker.
Q Was he born in Arkansas? A Yes sir.
Q Were all of your children born in Arkansas? A Yes sir.
Q Do you know whether your husband ever voted in Arkansas? A He never did.
Q Did he own his home there? A No sir, he never owned anything at all there, he never owned anything at all there, he never claimed that as his home, he was always going backwards and forwards to the nation to see about his little home here.
Q Did he have a homestead in Arkansas? A No sir.
Q How he lived there, according to his testimony about 20 years, did he ever exercise the right of citizenship of Arkansas? A No sir.
Q How when he returned to the Cherokee nation about 15 years ago, as you state, where did he settle, where did he locate? A Well he stopped here yond side of Fort Smith and stayed there a little while and then went on up into the Nation.

- Q The other side of Fort Smith was that in or out of the Cherokee Nation? A It was in the Cherokee nation.
- Q How long did he live there just as you mentioned out of Fort Smith? A He just stayed there about 3 or 4 months I reckon.
- Q Then where did he go? A He went up into the Nation close to Uniontown.
- Q When he moved up close to Uniontown did he live in the Cherokee Nation or over in Arkansas? A He lived in the Cherokee Nation.
- Q Now after he located in the Cherokee Nation did he vote and exercise the rights of suffrage in the Cherokee Nation? A Yes sir, he did.
- Q Was he recognized as a citizen of the Cherokee nation? A Yes sir.
- Q Did he own a place on the public domain of the Cherokee nation? A Yes sir.
- Q When he left the Cherokee Nation in 1870, as he testified, did he leave any property in the Cherokee nation? A Yes sir, he left some hogs and cattle.
- Q In whose custody did he leave them? A I don't know who he left them with.
- Q Do you know whereabouts he left them? A No sir, somewhere in Flint.
- Q Flint district? A Yes sir.
- Q When he returned to the Cherokee nation did he find any of them? A No sir, he never found any of them.
- Q When he returned to the Cherokee Nation did he settle in or near the place in the Cherokee nation that he had gone away from? A Yes, it was tolerable close to the place, about four miles I reckon.
- Q What sort of place did he take up in the Cherokee nation, did he improve a place or did he buy one? A He bought a place.
- Q Then did he live on it? A Yes sir, until he died.
- Q How much was there in that place that he controlled, about how much? A In the field?
- Q Yes? A About 30 acres I reckon.
- Q Did he farm the place? A Yes sir, he done a heap of work on the place.
- Q Do you know whether he ever applied to the Dawes Commission for admission to citizenship in the Cherokee nation? A I think he did.
- Q In order that you will understand it I will explain to you that the Dawes Commission in 1896 was clothed with authority to admit persons to citizenship, that is persons whose names were not on the Tribal rolls and who were not recognized at that time as citizens, did he apply for admission, not for enrollment, at that time? A I don't know for certain but I think he did though.
- Q Do you know what was done with his application? A No sir.
- Q While he lived in Arkansas, did he own any property at all? A No sir, he never owned anything at all.
- Q Was his citizenship ever questioned after he returned to the Cherokee Nation? A I can't tell you that.
- Q When your husband located across from Fort Smith, the way you put it, did he own a place there? A No sir.
- Q You stated just now informally that he took you down and showed you a place which he owned? A Yes sir.
- Q Where was that place? A It was that place 4 miles from Uniontown, or 6 it might be.
- Q Was that the place you live on now? A No sir, we live about 3 miles from Uniontown, the place he bought.
- Q Did he ever live on that place he had? A No sir.
- Q While he was living in Arkansas did he ever make any trips to the Cherokee Nation? A Yes sir, he made lots of trips backward and forward.

- Q What for? A To see if he thought it would be safe for him to come back, his life was threatened and he had to leave to keep from being killed, and he come back to see when he could come back, when it would be safe for him to come back. That is what he left for, it was on account of his life.
- Q Do you know whether he regarded the Cherokee Nation as his home?
- A Yes sir, he did.
- Q Was it on account of some sort of trouble that he left the Cherokee nation? A Yes sir, he was a witness and there was some more parties threatened to kill him for being a witness, threatened his life, the Dave Ross party and I think it was Little that got killed, that he was a witness against.
- Q Do you know whether he returned to the Cherokee nation when he thought it would be safe for him to do so? A Yes sir.
- Q Did he pay taxes in Arkansas? A No sir, never did.

BY MR. WHEEL:

- Q Were you acquainted with Cheek before he left the Cherokee nation?
- A No sir.
- Q You knew him only from the time you met him in Arkansas after 1870? A Yes sir.
- Q Nothing about his antecedents before at all? A No sir.
- Q Who was it you said was killed up there that he was a witness in?
- A Little I think was the man's name.
- Q You say he never paid any taxes in Arkansas? A No sir.
- Q Never voted? A No sir.
- Q Never held an office? A No sir.
- Q Didn't own any property? A No sir.
- Q What did he do for a living? A Worked by days work for a living.
- Q Just worked about? A Yes sir.
- Q How old is your oldest child? A 30, no 25 I reckon, I forget how old he is.
- Q Are you of Cherokee blood yourself? A No sir.
- Q You are a United States citizen? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q When did your children return to the Cherokee Nation with reference to the date of your return? A Yes sir, at the same time, we all come together when we come.
- Q Have your children lived in the Cherokee nation continuously since they returned to the Cherokee nation? A Yes sir, all but about a year.
- Q When was that? A That was when they went to---well it wasn't a year, about 4 or 5 months, when they worked at the coal mines, but they come back.
- Q Just a way a short time? A Yes sir.
- Q Did your children, or any of them ever take up citizenship anywhere outside of the Cherokee nation? A No sir, they were all small when they came back to the Cherokee nation.
- Q Have they voted in the Cherokee Nation since then? A Yes sir.
- Q Been recognized as citizens? A Yes sir.

BY MR. BELL:

- Q Have you lived at the same place all the time after you moved back? A Yes sir, all the time but about 3 or 4 months while we were at the coal mines.
- Q How long has your husband been dead? A Been dead going on 7 years.
- Q Who are your neighbors up there? A Well there is several living around there, Kate Hyatt, and Snows, and Duty's and Turman.
- Q How far do you live from the Arkansas line? A Well it is about a mile I reckon.
- Q In the Cherokee nation? A Yes sir.
- Q Do you know Nancy Seabolt? A Yes sir.
- Q How far do you live from her? A I don't know exactly how far.
- Q 4 or 5 miles, or 3 or 2? A 4 or 5 miles I reckon.

JAMES M. KEYS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James M. Keys.
- Q Your age? A 63 years.
- Q What is your post office? A Fryer Creek, I. T.
- Q You are a Cherokee by blood? A Yes sir.
- Q Do you know the witness Sarah B. Shook? A No sir.
- Q Did you know her husband James Shook during his life time? A Yes sir, I met James Shook during his life time.
- Q Have you held several positions in the Cherokee nation? A Yes sir.
- Q Were you in 1852 one of the census takers who compiled the roll of 1851? A No sir, at a later date I was appointed, my recollection is it was while Cleveland was President, I was appointed one of the Old Settler's Census takers.
- Q Was that for the purpose of making a roll containing the names of the persons who were the so called "Old Settlers" of the Cherokee nation, and who were entitled to certain privileges as original beneficiaries? A Yes sir.
- Q Do you know whether James Shook's name was placed upon the roll of 1851? A Yes sir, James Shook, the name of James Shook appeared upon the 1851 old settler roll.
- Q Do you know that of your own knowledge? A Yes sir, he appeared in person and claimed the share as an original beneficiary.
- Q Did he appear before you? A Yes sir.
- Q Did you place his name on that roll? A Yes sir.
- Q Were the names of only Cherokees by blood placed upon that roll? A Yes, they may have been a few names placed there but it was intended that only old settlers Cherokee names appear there, but there was a few names that were not Cherokees.
- Q It was the intention to only place the names of citizens of the Cherokee nation upon that roll? A Yes sir.
- Q Was James Shook at that time recognized as a citizen of the present Cherokee nation? A I don't know sir, but he established fully that he was the James Shook on the 1851 roll and he drew his old settler money under that name.
- Q You recognized him as being a citizen of the Cherokee nation? A Yes sir.
- Q Do you know whether his name was placed upon that roll as being a Cherokee by blood? A Well I don't know as to that but he was an old settler and that is my impression he was an old settler Cherokee by blood. We didn't question it after we found his name upon the roll.
- Q Was the roll of 1851 supposed to have contained the names of only persons who were of Cherokee blood? A Yes sir.
- Q Was that roll supposed to have contained the names of the persons and who migrated to the Cherokee nation, and their descendants prior to 1834? A Yes sir.
- Q Was it supposed to have determined persons who were Cherokee citizens at that time or was it supposed to have contained the names of those original beneficiaries and their descendants? A No, to the first proposition. It didn't necessarily establish citizenship at the present time, at that time, in the Cherokee nation.

- Q Then in making that roll you only endeavored then as I understand it, to determine who the old settlers were and their descendants, and to make the payment to them? A Yes sir, that is the idea exactly.
- Q A person might not have at that time been a citizen of the Cherokee Nation and still have drawn that money? A Yes sir.

WITNESSES EXCUSED.

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Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley

Subscribed and sworn to before me this 16th day of February, 1906.

B. P. Rasmus

Notary Public.

[Signature]
Cherokee D 113-114.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of James Shook, et al., as citizens of the Cherokee Nation.

O R D E R.

It is found that upon examination of the 1893 census
roll of citizens by blood of the Cherokee Nation residing in
Sequoyah district, made under authority of an Act of the Cherokee
National Council, approved April 15, 1903, that the applicants
in this case are identified thereon as follows:

No.	Name	Age.	Male.	Female.	Remarks.
190	James Shook	58	M		Sarah E. Shook "
	William T. Shook	15	M		
	John B. Shook	10	M		
	Amos Shook	7	M		
	Lillie M. Shook	5		F	

It is ordered that this statement be filed with and
made a part of the record in the matter of the application for
the enrollment of James Shook, et al., Cherokee case No. D-113,
and William T. Shook, Cherokee case No. D-114.

[Signature: W. O. Beale]
Acting Commissioner.

Muskogee, Indian Territory,

this MAR -9 1906

4703

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Shook et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

James Shook, et al.,
William T. Shook,

Cherokee D 113
Cherokee D 114.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by James Shook for himself, his wife, Sarah E. Shook, and their minor children, John E., Amos, and Lillie M. Shook, and by William T. Shook for himself. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, February 18 and August 29, 1902, and at Fort Smith, Arkansas, February 14, 1904. The application for the enrollment of the said Susan E. Shook is differently classified, and her rights to enrollment as a citizen of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Shook, was a Cherokee by blood, and in the year 1870 was a bona fide citizen of the Cherokee Nation; that in 1870 he left the Cherokee Nation, and was absent therefrom for about twenty years, during which time he lived in the state of Arkansas, where he married, and where the applicants, John E., Amos, Lillie M., and William T. Shook, children of the said James and Sarah E. Shook, were born. It is further shown that during his absence from the Cherokee Nation the said James Shook made frequent visits thereto; that he always considered the Cherokee Nation his home, never owned any property in the State of Arkansas, and never exercised any of the political rights of a citizen of said State, and that his absence from the Cherokee Nation was a matter of expediency rather than choice.

The evidence further shows that in the year 1890 the said James Shook, with his family, including all the other applicants herein, returned to the Cherokee Nation, where they have since continuously resided. Said applicants are identified on the Cherokee census roll of 1893, the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that James Shook died prior to September 1, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), John B. Shook, Amos Shook, Lillie M. Shook, and William T. Shook are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted; and it is further ordered that, under the provisions of the Act of Congress, above noted, the application for the enrollment of James Shook as a citizen by blood of the Cherokee Nation be, and the same is, hereby dismissed.

SIGNED)

James P. Fisher

Commissioner

Dated at Muskogee, Indian Territory,

this APR 19 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 13, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 29, 1902, and February 14, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, herein, Sarah E. Shook, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to James Shook in Yell County, Arkansas, in 1876 or 1877. Said applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah E. Shook, is not entitled under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED: _____
Special Agent in Charge

Dated at Muskogee, Indian Territory

Commissioner

this FEB 23 1907

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-113

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that James Shook has been notified to appear before the Commission at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit further evidence as to his recognition as a citizen of the Cherokee Nation prior to 1894.

Very respectfully,

Tamm Bixby
Acting Chairman.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-213

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Eddie Wheatley for the enrollment of herself and her minor child, Claude E. Wheatley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 9, 1903.

Respectfully,



Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 113, 114

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Smith, Arkansas, on February 14, 1906, in the matter of the application for the enrollment of Sarah E. Shook, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

W. O. Beall

Incl. GL-56.
GHL

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 10, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated March 9, 1906, making the enrollment of James Shook, et al., on the 1893 census roll a part of the record in the matter of the application for the enrollment of James Shook, et al., Cherokee D-113, and William T. Shook, Cherokee D-114.

Respectfully,

W. O. Bean

Acting Commissioner.

Incl. S-42

REFER IN REPLY TO THE FOLLOWING

Cherokee D-113,

et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, dismissing the application for the enrollment of James Shook, and granting the application for the enrollment of John B., Amos, Lillie M. and William T. Shook, as citizens by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish each principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

W. O. Bean

Acting Commissioner.

Incl. 8-92

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-113

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, rejecting the application of Sarah E. Shook for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in said case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

F. Encl-10

COPY

LAND
20893-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner of February 23, 1907, rejecting the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and his decision rejecting the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-KH

D.C. 12343-1907

LRS

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,

I.T.D.

WASHINGTON.
7022, 7032, 7072, 7080-07
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7134, 7136, 7138, 7140-07
7142, 7152, 7156, 7160-07
7162, 7174, 7176, 7180-07
7182, 7190, 7192, 7200-07
7202, 7212, 7218, 7224-07
7226, 7236, 7330, 7340-07
7344, 7350-07

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.

Date of Your
Letter of Transmittal.

Sarah E. Shack,	February 23, 1907
Vernon G. Riddleston (Freedman),	February 16, 1907
Edward T. Roberts, (intermarried),	February 23, 1907
Lillie Moffett Dodson,	February 23, 1907
Hugene and Lucinda Dodson	February 23, 1907
Sarah C. Brackett, (intermarried),	February 23, 1907
Andrew M. and Robert Leroy Stiles,	February 16, 1907
Leona and Margree Carter (Freedmen),	February 23, 1907
Lydia V. Banks (Freedman),	February 23, 1907
Eliza and Mame Denton, (Freedmen),	February 21, 1907
Bethel Franklin Stevenson,	February 21, 1907
Charlie M. Blackwell, (Freedman),	February 23, 1907
Sam Davis et al.,	February 23, 1907
Emeline Weaver, (intermarried),	February 23, 1907
John P. Scruggs, (intermarried),	February 23, 1907
Sarah E. Parks, (intermarried),	February 20, 1907

Title of Case.

Date of Your
Letter of Transmittal.

Isacoria Tidwell, (intermarried)	February 23, 1907.
John Vilherson, (intermarried),	February 28, 1907.
Fennie Mackey (Freedman),	February 11, 1907.
Lucy Antoine, (intermarried),	February 23, 1907.
Mary E. Bible, (intermarried),	February 4, 1907.
Georgia Murry (Freedman),	February 18, 1907.
Nicholas Landrum, Jr. (Freedman),	February 23, 1907.
Oliver and Cordelia A. Fields (Freedman),	February 23, 1907.
Josephine Harris (Freedman),	February 25, 1907.
John E. Hildebrand,	February 23, 1907.
Oscar L. Appelman,	February 20, 1907.
Mary A. J. Vixen,	February 23, 1907.
Geraldine Montgomery (Freedman),	February 23, 1907.
Martha Tidwell,	February 23, 1907.
Emily L. Brown, (intermarried)	February 2, 1907.
Hallie Fourkiller,	February 25, 1907.
Mary Harris et al. (Freedman),	February 12, 1907.
Elias J. Baushofer, et al.,	February 25, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) H. A. Hitchcock,

Secretary.

34 inc. and 68 inc.
for Indian Office.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-113 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Shook, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. 3-44
LMO

Geo. D. Rogers
Acting Commissioner.

CHEROKEE II 113

James Shook et al.

DISMISSED No 1

GRANTED Nos 3,4 & 5

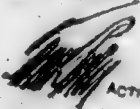
OCT 10 1907 *Cancelled and transferred
to Cherokee R-1035*

*No 1 transferred to Chas. No R-1002
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 17 1900


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Mullewag, I.T., August 13, 1900.

In the matter of the application of William T. Shook for the enrollment of himself only as a Cherokee by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A William T. Shook.
Q How old are you? A 23.
Q What is your post office address? A Uniontown, Ark.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Does your name appear upon the rolls? A Well, it doesn't on the 1880 roll, it is on the rest of them.
Q For whom do you apply? A Just myself.
Q What is the name of your father? A James Shook.
Q Is she living? A Yes, sir.
Q What is the name of your mother? A Elizabeth Shook.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Is your father? A Yes, sir.
Q You say your name on not on the roll of 1880? A No, sir.
Q Is your name on the roll of 1886? A Yes, sir.
Q On the rolls of 1894? A Yes, sir.
(On 1886 roll, page 1103, No. 1448, William F. Shook, Sequoyah district; on 1894 roll, page 884, No. 1277, William T. Shook, Sequoyah district.)
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah district? A About 13 years.
Q Continuously? A Yes, sir.
Q Where were you born? A Arkansas.
Q Are you have lived in Arkansas until 13 years ago? A Yes, sir.
Q Was your father's or mother's name either upon the roll of 1880? A No, sir.
Q Did you ever apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission, for admission to citizenship? A No, sir.
Q Did you ever apply to the Cherokee Nation for re-admittance? A No, sir.

The name of William T. Shook appears upon the census roll of 1896 and the pay roll of 1894. An examination of the roll of 1880 does not show his name, neither if the name of his father or mother found upon said roll; he was born in Arkansas and lived there until 1891. Final judgment as to the enrollment of William T. Shook is suspended and his name will be placed upon a doubtful card. After the Commission decides as to his right to enrollment, he will be notified by mail.

Frank C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this 17th day of August, 1900.

Commissioner.

D114

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 11 1902

ALFRED C. HIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of William T. Shook for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

THE UNIVERSITY OF CHICAGO

1902

Acting Chairman

Исследования

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THE UNIVERSITY OF CHICAGO

that of the tobacco in an accurate representation of its stereographic notes particularly and also that the above entitled cause, and that committed to the the station tribes, he perfectly received the "a. b. Bennett" on each station first, and then on the second to the

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File with Cherokee D-114.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 29, 1902.

In the matter of the application of James Shook for the enrollment of himself, his wife Sarah E. Shook, and his three children, John B., Ames and Lillie M. Shook, as citizens by blood of the Cherokee Nation.

GEORGE GUNTER, being duly sworn and examined by the Commission testified as follows:

- Q What is your name? A George Gunter.
Q What is your age? A Fifty-two years old.
Q What is your postoffice address? A Redland, I. T.
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know James Shook? A Yes sir, I did know him.
Q Is he living now? A I don't know. The last time I saw him he was before the Commission here at Muldrow, and at that time he was in a pretty bad fix with the dropsy, and I have'nt saw him since.
Q How long has it been since you first knew him?
A When I was a boy he was out on Red River, he lived right close to my father out there, and he was recognized as a Cherokee.
Q How long has it been since you have known whether he is living or dead? A Why I don't know. It was—I guess it must have been about 1879 or 1880.
Q Has it been that long since you have known him?
A Never knowed him before that. The last time I saw him was when he was before the court here.
Q From 1879 to 1900 when he was before the Commission, did you know him between these dates? A In 1862 to about 1879 or 1880.
Q And then from 1879, you have'nt known him since that time?
A I didn't know where he was at.
Q You don't know whether he has been a recognized citizen since 1880, or where he has lived? I understand you to say that you have not known anything about James Shook since 1879, is that correct?
A Yes sir, I didn't know where he was at.

EXAMINED BY J. O. STARR:

- Q Where did you see him in 1879?
A He was living close to Mayfield's farm. He lived in that bottom. A man named Dave Ross killed a fellow close to Fort Smith and Shook was a witness against him, and he left the country and that was the last time that I seen him until he was before the Commission.
Q You are sure that was in 1879? A I aint certain. Dave Ross was tried there at Van Buren before Judge Parker.
Q Mr. Shook testified in his own testimony that he lived in Yell County, Arkansas, from 1870 to 1890. Have you seen him here since 1870? A He was living there on that place about the time Dave Ross killed John Rittle.
Q When was it you saw him on Red River?
A It was in 1863 or 1864.
Q Red River is not in the Cherokee Nation is it?
A No sir, it is in the Choctaw Nation.

BY THE COMMISSION:

Q Do you know whether James Shook was or was not living in the Cherokee Nation on the 28th day of June, 1898?

A No sir, I do not.

Q You don't know whether he has ever been recognized as a citizen of the Cherokee Nation since 1878, do you? A No sir.

BUFORD L. SUMMERHILL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Buford Summerhill.

Q How old are you? A Fifty.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A No sir.

Q You are a citizen of the State of Arkansas?

A No sir, I was an adopted citizen of this country. I live in the Cherokee Nation.

Q You are not a citizen of the Cherokee Nation then?

A No sir, not now.

Q Do you know James Shook? A Yes sir.

Q About how old is he?

A He claimed that he was fifty-four years old.

Q What is his wife's name? A Bettie. They called her Sarah E.

Q What are the names of his children?

A John E. Shook, Amos Shook and Nellie Shook.

Q How long have you known James Shook? A I have known him about nine or ten years.

Q Where was he living when you first knew him?

A He was living in the Cherokee Nation on a place, I believe they called it George Johnson's place on Lee's Creek, and I moved him from that place to my place. He rented land from me.

Q Is your place in the Cherokee Nation? A Yes sir.

Q Where has James Shook and his family been living ever since you have known them? A In the Cherokee Nation.

Q Have they ever lived in Arkansas since you have known them?

A No sir, not since I have known them.

Q How long has it been since you have ceased to be a citizen of the Nation? A I don't exactly know; it's been nearly a year since I got — I believe it was along — I don't know the exact date when I got my return from the Secretary of the Interior. Don't know whether it was last fall or last spring, but it has been six or eight months. I don't know the exact date.

Q When you first made application for your own enrollment you were placed on a memorandum were you? A Yes sir.

Q You were not on any of the tribal rolls were you?

A At that time? Yes, I was on the 1880 roll, and I reckon, on the 1896 roll. I am on the 1880 roll I know.

EXAMINED BY J. G. STARR:

Q Have you married out? A Yes sir, that's what they claim.

BY THE COMMISSION:

Q How long has it been since you married out?

A It's been about eight or nine years ago; I don't know exactly.

Q You married out and forfeited your rights about the time you first knew James Shook didn't you?

A No, I married out after I knew James Shook; it's about eight years I guess I have been married, I don't know the exact date, but I knowed him about a year or two years before I was married.

Q Do you know whether James Shook or any member of his family have been recognized as citizens of the Cherokee Nation? A Yes sir.

Q In what way have they been recognized?

A Well, at the time of the strip payment, taking census, I was with him up to where they was taking the census, and Dave Ross he was census taker.

Q Did he draw money? A Yes sir, he drawed money; and drawed Old Settler money.

Q Was he allowed to vote? A Yes sir, I never seen him vote. He went to the election and he told me that he voted.

Q Did he ever hold any office in the Cherokee Nation?

A No sir, he didn't have no education, could barely read and write.

Q Then, you state you have known him for ten years, and during all that time he has lived in the Cherokee Nation, and has voted and drawn money as a citizen of the Cherokee Nation?

A Yes sir, he told me he had voted, I never seen him vote, and others said he voted.

BY J. G. STARR:

Q You don't know of your own knowledge that he voted? A No sir.

Q Just from what people told you? A Yes sir.

WILLIAM THORNTON, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William Thornton.

Q What is your age? A About 43.

Q What is your postoffice address? A Remy.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.

Q Do you know James Shook? A I know him; yes sir, I know him.

Q About how old is he? A Old man Shook, I can't tell you.

Q What is his wife's name? A Her name; she goes by Bettie Shook so far as I know.

Q Has he got some sons? A Yes sir, these two boys here.

Q What are their names? A Johnnie Shook and Dick; and he has got a little girl at home; her name is Lillie Shook.

Q How long have you known James Shook?

A I didn't know him no great while. You see he lived down in the river bottom and I have lived away up here toward Ballisaw, and I never seen him until after he had been here two or three years.

Q How many years have you known him? A Ten or twelve I guess, or maybe longer.

Q Where was he living when you first knew him? A Gabe Penn's.

Q Is that in the Cherokee Nation? A Yes sir.

Q You never knew him prior to that time? A No sir, never knew him til he come here.

Q You speak of his coming here; do you know where he came from when he came here? A I suppose he come from the State.

Q You don't know of your own personal knowledge where he came from? A No sir.

Q Did you ever hear him say where he came from?

A Yes sir, he told me he come from the State.

Q Has he been living in the Cherokee Nation continuously since you have known him? A Yes sir.

Q Have the members of his family, whose names you have called, lived with him continuously in the Cherokee Nation? A Yes sir.

Q Are they all living with him now? A Yes sir.

Q Is James Shook living now? A No sir. The old man himself, James Shook, is dead.

Q Was he recognized as a citizen of the Cherokee Nation from the time you knew him up until his death? A Yes sir, they recognized him. He drew strip money, and Old Settler money, and also he voted at the precinct at Lee's Creek.

Q Do you know of your own personal knowledge that he voted?

A I was right there when he voted, that is, he went up to the place and voted, and come out and said he voted.

Q His family are all living in the Cherokee Nation now?

A Yes sir, living right here on Lee's Creek.

EXAMINED BY J. C. STARR:

Q Did you see him before the strip payment? A Yes sir.

Q How long before? A About — well I declare I don't remember how long before.

Q How long had he been here before you saw him?

A He had been down there in the bottom I suppose about two or three years maybe, before I seen him, I don't remember just how long.

Q If he testified before the Commission that he came here in 1890, it must have been about 1892 when you saw him?

A I don't know anything about it.

Q Was it very long before the strip payment?

A Well, I can't say just how long, because I don't recollect.

Q Do you think it was a short time before the strip payment?

A I seen him before the strip payment.

JOHN B. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John B. Shook.

Q How old are you? A I am 19 years old.

Q You are a son of James Shook? A Yes sir.

Q Where were you born? A In Arkansas.

Q How long did you live in Arkansas after you were born?

A About six years.

Q Where did you go to when you left Arkansas?

A Come to the Cherokee Nation.

Q Have you been living here ever since? A Yes sir.

Q You lived in the State of Arkansas continuously for six years after you were born? A Yes sir.

Q Were you living with your parents then? A Yes sir.

Q Were they keeping house in Arkansas? A Yes sir.

EXAMINED BY J. C. STARR:

Q What town did you live in in Arkansas, what was your postoffice address? A Dardanelle.

Q In Yell County? A Yes sir.

Q What year were you born in? A I can't tell you, this is the first time I was ever in such as this, and I had it to do this time. I aint able to count much.

WILLIAM T. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William T. Shook.

Q What is your age? A Twenty-four.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Are you a son of James Shook? A Yes sir.

Q Brother of John B. Shook? A Yes sir.

Q Where were you born? A In Arkansas.

- Q What year were you born in? A I don't know.
Q If you are twenty-four, you would have been born in 1878, is that right? A I guess it is.
Q How long did you live in the State of Arkansas?
A About eight years I guess.
Q Where did you go when you left that State?
A I come to the Nation.
Q What year did you come to the Nation? A It was about 1890 I believe, I come in 1890.
Q Were you living with your parents in the State of Arkansas?
A Yes sir.
Q Were they keeping house there? A Yes sir.
Q Were you ever in the Cherokee Nation before you moved over here to live? A Never was.
Q You parents never had a home over here that you know of until they moved over here in 1890?
A Nothing only what they told me.
Q Not since you had been born, anyway? A No sir, just what I had been told is all I know about it.
Q Have you lived in the Cherokee Nation continuously since 1890?
A Yes sir.
Q Have your father and the other members of the family lived here continuously since 1890? A Yes sir.
Q Do you know whether your father ever voted in the State of Arkansas?
A I don't recollect.
Q Did you ever hear him say? A No sir, I never did.

EXAMINED BY J. C. STARR:

- Q What town in Arkansas did you live in? A Dardanelle.

BY THE COMMISSION:

- Q Is there any other statement you wish to make?
A No sir, not that I know of. I know he voted in the Indian Territory, and so did I. Me and him both voted.

BY J. C. STARR:

- Q This voting you are talking about was since 1890, was it not?
A Yes sir.

BY THE COMMISSION:

- Q Did you or your father ever apply to the Dawes Commission in 1896, or to the Cherokee Nation, to be re-admitted to citizenship after you removed to the Cherokee Nation in 1890?
A Why I don't remember whether he did or not. I don't recollect whether he did or not.
Q You don't remember whether he applied to this Commission in 1896 do you? A No sir, I don't. I have got a letter in 1894 that the Commission wrote him. I guess it is.
Q That the Dawes Commission wrote him? A I guess it is.
(Witness produces letter)
Q Did you or your father ever employ a lawyer to make application for citizenship in the Cherokee Nation? A No sir.
Q Never made out any papers? A No sir.
Q Did your father ever go to Tahlequah about his citizenship?
A Yes sir, he went; now whether he went on this business or not I don't know. He was up there two or three different times, I don't know what he went up there for.
Q Is there any other statement you wish to make in connection with your application?

A. No sir, I don't know as there is.

THE COMMISSION: This testimony will be filed with and as supplemental to the record heretofore taken in the applications of James Shook, et al., Cherokee B-113, and William T. Shook, Cherokee B-114.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cases, and that the foregoing is an accurate transcript of the stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this September 5, 1902.

(Seal)

B. C. Jones,
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case, and that the same is a true and correct copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me
this 8th day of September, 1902.

B. C. Jones
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-114

Muskogee, Indian Territory, August 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that William T. Shook has been notified to appear before the Commission at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit evidence as to his recognition as a citizen of the Cherokee Nation prior to 1894.

Very respectfully,

Tamm Bixby
Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

William J. Shoals

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 13, 1900

B. Memo of application - " 13, 1900

C. Notice of final consideration

D. Order closing testimony, Feb. 18, 1902

GRANTED

APR 19 1906

Corrected and record
transferred to Ser. No 10971
record in 8113

Consolidate with 114

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG. 21 1900


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., August 13, 1900.

In the matter of the application of Jeremiah Martin Harris for enrollment as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jeremiah Martin Harris.
Q What is your age? A 48.
Q Your post office? A Hanson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the rolls? A Yes, sir, by adoption.
Q What district do you live in? A Sequoyah district.
Q How long have you been here? A Since about the beginning of the war.
Q Been living continuously in the Territory? A Yes, sir.
Q For whom do you apply for enrollment? A For Elisa Pardue.
Q Is she any relation to you? A She is my wife.
Q What is her name now? A She is dead now.
Q Then you don't want to enroll her now? A Well, I want to enroll myself.
Q You are a white man? A I guess so, I never did prove anything.
Q What is your wife's name? A Elisa Pardue.
Q She is not living? A No, sir.
Q You are on the roll of 1880? A Yes, sir.
Q Have you any children? A Yes No, sir.
Q You ought to be on the roll of 1880? A I am on that roll.
Q When did your wife die? A I don't remember whether it was in 1877 or 1878, I don't remember, she never lived but just a little over a year.
Q You lived with her until she died? A Yes, sir.
Q Have you been married since? A Yes, sir.
Q What is your present wife's name? A I haven't any wife now, I married the widow Ragdale.
Q Was she a Cherokee citizen by blood? A Yes, sir.
Q Have you any certificate of marriage as to her? A No, sir.
Q What was her name? A Angie Ragdale.
(On 1880 roll, page 701, No. 616, Jerry Harris, Sequoyah district.)
Q In what year did you marry Angie Ragdale? A I don't remember, I can't read or write and I don't keep any dates.
Q Was it 1880 or afterwards? A I think 't was in 1878 I married her, but I would not be positive.
Mr. W.W. Hastings, representative of Cherokee Nation: What was her maiden name? A Choate.
Q She lived in Sequoyah district? A Yes, sir.
Commissioner Needles: Have you married since? A No, sir. I don't know whether she was in this district or not, she moved to Canadian when we separated.
Mr. Hastings: Did you leave her or she leave you? A I left her I reckon.
Q Where did you leave her at? A In Sequoyah district.
Q How long ago? A We didn't live together but a short time.
Q Who married you? A Judge Falkner.
Q About how long ago? A It has been a good while ago.
Q About how many years? A I don't remember, it has been about 20 years ago.
Q Since you left her? A Yes, sir, I have got a child by her about 20 years old.
Q Where do you live at present? A I live between Hanson and Ocala Switch.
Q How many children have you? A I haven't any.
Q Are you living by yourself? A Yes, sir, of course I have a team keeping house for me.

Jeremiah Morris Harris - 2.

Q Are you married to that woman? A No, sir.

Q Haven't you been telling people around here you are married to her? A No, sir.

Q You and her are living in a house together? A No, sir, I generally always keep somebody hired in the house.

Q How long has she been living there? A I expect about 12 years, 10 or 12 years.

Q And you deny that you are holding her out to the community or ever told it about that you married her, or that she is your wife?

A Yes, sir.

Q Haven't you been treating her as your wife? A No, sir, I pay her for her work.

Q What do you pay her? A I pay her in clothing and give her money.

Q When did you last give her money? A I don't know, it has been over 2 years ago she went to Eureka Springs.

Q How much do you give her a year? A I don't know, I don't keep any account of it.

Q Do you pay her by the week or month? A No, sir.

Q You don't pay her like any other hired hands are paid? A I am not particular in her hire.

Q How is she staying there? A She is staying there as a member of the family.

Q She isn't related to you? A No, sir.

Q How many rooms you got in your house? A I have got three.

Q Did you ever get a divorce from this second wife? A Yes, sir.

Q Who got it? A I got it.

Q Where did you get it? A At Sequoyah Court House, and I had grounds to get it on and I got it and she wouldn't appear against me.

Q It went by default? A Yes, sir, that is the way I got it.

Commissioner Needles: Were William Choate and Vivoy Choate any relation of Angie Choate? A I think so, I won't be positive; she had a man by the name of Ragdale and Tom Ragdale in Canadian district if her son, and she has got a daughter named Pink.

Q How old was she in 1880? A She was 20 years old.

Mr. Hastings: Was this woman living with you prior to your separation from your last wife, you have got here? A She was there in the house.

Q At the time of the separation? A No, sir.

Q Has she lived in the house before the separation? A No, sir, I don't know anything at all about her before the separation.

(On 1880 roll, page 1114, No. 78, Jerry Harris, Sequoyah district.)

Commissioner Needles: We don't find your second wife on the rolls?

A I don't know why, I think she was there.

Mr. Hastings: You think you married her about 1880, your second wife? A Yes, sir, I think I married her in 1879. I never enrolled her, I don't know how it is; she is in the Canadian district if she enrolled in my name.

Commissioner Needles: You have got no marriage certificate? A No, sir.

Q Who married you? A Judge Falkner.

Q Is he living? A No, sir, he is dead.

Q Is this woman living, Angie? A Yes, sir, she is living, she married a man named Reeves.

The name of Jeremiah Harris appears upon the authenticated roll of 1880 as well as the census roll of 1880. He avers that he was married to one Angeline Ragdale in the year 1879 and acknowledges in his testimony that he abandoned her, left her and got a divorce from her. An examination of the roll of 1880 does not disclose her name there. No record is presented to show whether she was a white woman or an Indian. The testimony also shows that he has a white woman employed and has had her at his house for the last ten or twelve years without wages, but he avers that he was not married to her. The evidence in his

Jeremiah Morris Harris - 8.

case is so conflicting as to whether the white woman he is now living with has been recognized as his wife or not, and also as to whether his second wife was a white woman, and also whether he abandoned her, even if she was a citizen, that final judgment as to his enrollment is suspended and his name will be placed upon a doubtful card.

When the Commission decides upon the case, you will be notified by mail. If you want to prove to this Commission, you will have an opportunity to do so at any time you want to that your second wife was a citizen of the Cherokee Nation.

Additional testimony.

Mr. Hastings: Were you ever arrested, charged with living in adultery with this woman that you have just spoke of a while ago? A Yes, sir.

Q Was she secede tried? A It was before the Commissioner at this-
kagoos.

Q Before what Commissioner? A I don't remember the Commissioner's name.

Q How long ago? A It has been five or six years ago.

Q Who represented you in the case? A John Watkins.

Q Didn't you produce at that time a marriage certificate purporting to show that you had been married to this woman and then lived with her as your wife? A No, sir.

Q What was your defense? A I didn't have any defense, I gave the prosecutors the ropes and they cleared me themselves.

Q You didn't allege that you had been married to this woman at Van Buren or in Crawford County, Ark? A No, sir, I don't propose to swear to a lie, I am not married and would not swear to a lie to keep out of the penitentiary.

Q You didn't do it then? A No, sir, I didn't do it then.

D. M. Faulkner, being sworn, testified as follows:

Mr. Hastings: What is your name? A D. M. Faulkner.

Q What is your age, Mr. Faulkner? A About 58 or 59.

Q Your post office address? A Hanson.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Did you know Angie Ragdale, the second wife of Jerry Harris?

A Yes, sir.

Q Do you know whether she was a Cherokee citizen or not? A Yes, sir, she was a Cherokee.

Q Do you know whether she was on the rolls of the Cherokee Nation?

A I suppose she is, she has been in the Cherokee Nation all the while.

Q What name do you suppose it would be on there by in 1860? A I suppose it would be Ragdale or Reeves.

Q She married a man named Reeves? A Yes, sir, the last husband she had was named Reeves; I can't say they were married, but they lived together. Angie Ragdale we called her then, and after they separated she married a man named Reeves.

Commissioner Needles: What was her husband's given name? A L.W. Reeves.

(On 1880 roll, page 41, No. 1095, Angeronia Reeves, Canadian district.)

Q Do you know whether that was the woman that was his wife or not? A No, sir, only they lived together.

Q The name just called, was that the same woman? A Yes, sir, that was her name, and she left here and went to Canadian, and I have seen her, it has been six months ago.

Mr. Hastings: How far did you live from Jerry Harris' place?

A I lived about a mile I guess.

Q How long has he lived that near to you? A He has been living nearer than that, about a quarter from me, three or four years.

Jeremiah Harris - 4.

Q Does anyone live with him? A Yes, sir.
Q Who? A There is a white woman lives with him.
Q Who else lives in the house besides him and the woman? A None that I know of, unless he might have some hands hired there.
Q Does he have hands there all the time? A I don't know, I never was about his place since he moved out.
Q Do you know whether he is living with this woman as his wife or not, do you know whether he holds her out to the community as his wife? A No, sir, I never have heard it.
Q You never heard him say he was married to her? A No, sir.
Q What is the opinion that they are living together; what is the public opinion? A It is the public opinion that they live as man and wife.
Q That is what the neighborhood think? A Yes, sir, that is what they think, but can't swear to it.

Charles Fargo, being duly sworn, testified as follows:

Mr. Hastings: What is your name? A Charles Fargo.
Q Where do you live? A In Sequoyah district.
Q What is your age? A 55.
Q Do you know Jerry Harris, this person here? A I do.
Q How long have you known him? A I have known him ten or twelve years.
Q How far does he live from your place, and has been for the last few years? A About 6 or 8 miles above here.
Q Do you know anything about the woman that is staying at his house? A Yes, sir, I have seen him and the woman together often riding around in a buggy, they come to Maudrow here about once a week.
Q Do you know whether or not he is living with this woman as his wife? A I understood he was living with her as his wife.
Q How do you get your information? A By various sources, neighbors and others around about the country.
Q He holds her out to the community as his wife? A I think so; I don't think he would deny that at all.

George Baldrige, being duly sworn, testified as follows:

Mr. Hastings: What is your name? A George Baldrige.
Q What is your post office? A Maple.
Q What is your age? A About 48.
Q Do you know Jerry Harris, this man that is the applicant for enrollment? A Yes, sir, I have been knowing him ever since he was a little bit of a boy, before he was married.
Q Have you known him for the last ten or 12 years? A Yes, sir.
Q How near have you lived to him for the last 10 or 12 years? A I have lived in the neighborhood of a hundred or two hundred yards from him.
Q Has he been living with a woman for the last few years? A Yes, sir.
Q How does he treat this woman, his wife? A That is the way I looked at it.
Q How does he hold her out to the neighborhood? A I don't know about that, everybody thinks they are.
Q Does he just stay there in the house alone with this woman at times? A He has beena right smart of the time, yes, sir.
Commissioner Needles: Were you ever at the house? A Yes, sir, I have been there several times when they were living in town.
Q Ever see him in bed with her? A No, sir.

Jeremiah M. Harris - 5.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce S. Jones

Sworn to and subscribed before me this the 20th day of August, 1900.

W. M. Harris
Commissioner

Cherokee D 118

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

J.H.L.

In the matter of the application of Jeremiah M. Harris
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation,

DECISION,

--oOo--

The record in this case shows that on August 13, 1900,
Jeremiah M. Harris appeared before the Commission at Muskogee, Indian
Territory, and made application for the enrollment of himself as a
citizen by intermarriage of the Cherokee Nation.

It appears from an affidavit on file in the office of
this Commission, that Jeremiah M. Harris died on January 24, 1901.

It is, therefore, ordered that the application for the
enrollment of Jeremiah M. Harris as a citizen by intermarriage of
the Cherokee Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIC) Sam Bixby.
Acting Chairman.

(SIC) T. B. Needles.
Commissioner.

(SIC) W. H. Brainerd, Jr.
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 116.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

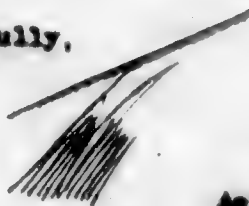
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 20, 1902, dismissing the application of Jeremiah M. Harrie for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, who died on January 24, 1901.

Respectfully,



Acting Chairman.

Enclosure H. No. 19.

IN THE MATTER OF THE APPLICATION OF

Jeremiah W. Harris

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony August 13, 1900

B. mem^e of application - " 13, 1900

C. certified marriage license & certificate

D. Death cert^y of Jeremiah Harris.

E. Order dismissing case.

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For the purpose of obtaining information, the following is a list of the names of the persons who have been identified as being connected with the activities of the American Revolution. The names are listed in alphabetical order, and the dates of birth and death are given where known. The names are listed in the following order:

1. **Adams, John** (1735-1803) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

2. **Adams, Samuel** (1722-1793) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

3. **Adams, Thomas** (1732-1804) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

4. **Adams, William** (1732-1804) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

5. **Adams, John Quincy** (1767-1848) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

6. **Adams, John** (1735-1803) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

7. **Adams, Samuel** (1722-1793) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

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9. **Adams, William** (1732-1804) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

10. **Adams, John Quincy** (1767-1848) - Born in Boston, Massachusetts. He was a member of the Continental Congress and a signer of the Declaration of Independence.

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THE CIVILIZED TRIBES
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.... (and the United States)

The following is a list of the names of the persons who have been identified as being connected with the activities of the American Revolution. The names are listed in alphabetical order, and the dates of birth and death are given where known. The names are listed in the following order:

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John Adams, Y. Adams, and John Adams, in Boston, Massachusetts, were the first to be identified as being connected with the activities of the American Revolution.

The following is a list of the names of the persons who have been identified as being connected with the activities of the American Revolution. The names are listed in alphabetical order, and the dates of birth and death are given where known. The names are listed in the following order:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MOLINE, I. T., AUGUST 12th, 1900.

IN THE MATTER OF THE APPLICATION OF HENRY L. ROGERS, wife and one child, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. B. Newkirk, testified as follows:

Q What is your name? A Henry L. Rogers.
Q What is your age, Mr. Rogers? A Thirty two.
Q What is your Postoffice? A Ballisaw.
Q Your district? A Sequoyah.
Q For when do you make application now, for yourself?
A For myself, wife and little girl.
Q One child? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A No sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
A I do sir.

Q What is your wife's name? A Bessie F. Rogers.
Q What is her age? A Thirty one years.
Q What was her name before you married her? A Bessie E. Woodall.
Q When were you married? A The 24th of February, 1891.
Q Is your wife on any of the rolls of the Cherokee Nation?
A Yes sir.
Q Is she on the roll of 1890? A Yes sir.
Q How long has she lived in the Cherokee Nation?
A All her life.
Q How long has she lived in Sequoyah? A Since the 16th of March, 1891.
Q Where did she live before that? A In Flint; Flint Court House.
Q Lived in Flint always before? A No sir; she was raised in Going Snake District.
Q In Going Snake District in 1890, was she? A Yes sir.
Q In Sequoyah in 1890? A Yes sir.

Applicant presents here a duly authenticated marriage license, dated February 23rd, 1891; the certificate shows that this marriage was consummated on the 24th of February, 1891, by Judge Pascual, United States Commissioner for the Indian Territory, the First Judicial Division, and admitted to record in the clerk's office of Tahlequah District on the 27th of February 1891.

Q Now Mr. Rogers, are you on the roll of 1890? A Yes sir.
Q Have you lived in the Cherokee Nation since you were married in 1891? A With the exception of eight months I went to the war.

Q Were you in the Spanish War? A Yes sir.
Q You and your wife have lived together ever since your marriage, and are so living at this time? A Yes sir.
Q What is the name of your child, and its age?
A Beulah E. Rogers.
Q How old is that child? A She is eight years old.
Q That child is living at this time? A Yes sir; I just had two children; they boy died.

(Applicant's wife identified on the roll of 1890, Page 485, #1800, Bessie Woodall, Going Snake District)

(On the roll of 1890, Page 1094, #1221, as Bessie E. Rogers, Sequoyah District)

(Applicant identified on the roll of 1890, Page 1112, #150, Henry L. Rogers, Sequoyah District)

((On the roll of 1890, Page 1094, #1221, Beulah E. Rogers, Sequoyah District)

By Mr. W. T. Hutchings, Cherokee Representative:

Q You are the son of J. C. G. Rogers, are you? A Yes sir.
 Q You made application in 1896 then to the Dawes Commission for admission to citizenship, did you? A My father did for himself and family.
 Q You knew that, and were active in prosecuting the case, were you not? A Yes sir.

We offer the record of the United States Court in evidence, the record of the case of James G. C. Rogers et al, in which the name of Howe L. Rogers appears, adjudged that he is not entitled to be enrolled as a citizen of the Cherokee Nation. The Masters report was filed June 10th, 1897. Case was filed before the Dawes Commission September 24th, 1894; applications were rejected, and upon an appeal to the United States Court for the Northern District, that judgment was sustained by the court. The judgment of the United States Court, denying the application of Howe L. Rogers is found on Page 318, Cherokee Citizenship Judgments, United States District Court, Honorable William M. Springer, Judge, Book No. 3.

**** Q Mr. Rogers this application before the Dawes Commission that has been included to was the application on the part of your father, for himself and children, was it not? A Yes sir.

Q That was the application in which you applied as a Cherokee by blood? A My father made the application for himself and family; yes sir.

Q Claiming that you had Cherokee blood in you? A Yes sir.

Q Had that have anything to do with your claim to Cherokee citizenship through your marriage? A No sir.

**** (By the Commission)

In this case, the applicant, Howe L. Rogers is shown by marriage license and certificate, filed herewith, to have been duly married under Cherokee law, on the 24th of February, 1891 to Miss Bessie E. Woodall. He is identified on the roll of 1896, and his wife is identified on the rolls of 1890 and 1896. His wife has lived in the Cherokee Nation all her life and she and he have lived together as man and wife ever since their marriage. The attention of the Commission is called to the fact that in a former application made by the father of the present applicant for himself and his family, this applicant was refused admission by this Commission on the ground then advanced of the right of his own family to be enrolled as Cherokee citizens. Appeal was taken from the decision of this Commission to the United States Court for the Northern District of the Indian Territory, and there the adverse decision of the Commission was sustained. This application has been of a different nature; namely: that of an intermarried citizen. The Commission is not prepared at this time to rule upon the limit fixed by the former decision of the applicant's right to make the present application; therefore, judgment in his own case will be suspended for further consideration. He will be informed at his Postoffice address of the final decision of the Commission, which will be forwarded to the Secretary of the Interior for his approval. There is no question as to the right of applicant's wife, Bessie E. Rogers, being entitled to enrollment, nor to the right of their child, Beulah E. Rogers, which child is identified on the roll of 1896. Therefore, both Bessie E. Rogers and Beulah E. Rogers will be enrolled now as Cherokees by blood.

E. R. Gravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case. Sworn to and subscribed before me this 15th day of August, 1899.

W. T. Hutchings
 W. T. Hutchings, Cherokee Representative.

"R"

Cherokee D 116.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Howe L. Rogers for the enrollment of himself as a Cherokee citizen.

Appearances:

Applicant in person:

W.W. Hastings, attorney for the Cherokee Nation.

HOWE L. ROGERS, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Howe L. Rogers.
Q How old are you? A About 33 years old.
Q What is your post-office address? A Sallisaw.
Q Is there any statement you desire to make relative to your application before the Commission for enrollment as a citizen of the Cherokee Nation? A I would like to be enrolled all right.
Q Have you any more testimony you want to introduce? A I don't know sir, I want to know what the protest is.
Q We want to find out whether you have any other testimony to introduce, and if you have not, whether you submit this case to the Commission? A Why certainly, that's all I can do.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of Howe L. Rogers as an
intermarried citizen of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

HOWE L. ROGERS, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Howe L. Rogers.
Q How old are you, Mr. Rogers? A I am thirty-four years old.
Q What's your postoffice address? A Sallisaw, Indian Territory.
Q You're an applicant, are you, for enrollment as an citizen by
intermarriage, of the Cherokee Nation? A Yes, sir.
Q What's your wife's name? A Bessie E. Rogers.
Q Is she living? A Yes, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q When were you married to Bessie E. Rogers? A 24th day of
February, '91.
Q Were you married under Cherokee license? A Yes, sir.
Q Did you file your marriage license and certificate with the
Commission? A Yes, sir.
Q Was you ever married before you married this woman? A No, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q Have you and your wife lived together all the time since your
marriage up to the present time? A Yes, sir.
Q Never been separated? A Only in one way. I joined the army.
Q Never had any falling out? A No, sir.
Q Were you living together on the first day of September, 1902?
A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your
marriage to your wife up to the present time? A Yes, sir.

Retta Chick, being first duly sworn, states that, as sten-
ographer to the Commission to the Five Civilized Tribes, she recorded
the testimony and proceedings in the matter of the foregoing applica-
tion, and that the above is a true and complete transcript of her
stenographic notes thereof.


Subscribed and sworn to before me this 4th day of December, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

✓ In the matter of the application for the enrollment of
Howe L. Rogers as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 13, 1900, Howe L. Rogers appeared before the Commission at Muldrow, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that the said Howe L. Rogers was lawfully married under authority of a Cherokee marriage license on February 24, 1891 to Bessie Woodall, a native Cherokee, who is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 Census Roll of the Cherokee Nation.

The said Howe L. Rogers is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Howe L. Rogers has resided with his wife continuously in the Cherokee Nation since his marriage in 1891 up to and including the date of the application.

From the records of the Commission, it appears that the applicant, Howe L. Rogers, in connection with his father and others, filed his original petition, under the act of Congress, June 10, 1896, (29 Stats. 321), with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission; that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, Northern District, and that the judgment of the Commission was by said court sustained.

It is the opinion of the Commission that the applicant's right to enrollment as an intermarried Cherokee was not prejudiced by the denial of his application for admission as a citizen by blood under the provisions of the said act of June 10, 1896, (29 Stats., 321), and that the said Howe L. Rogers should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty one of the act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this AUG 11 1902

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1116.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Howe L. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 50.

IN THE MATTER OF THE APPLICATION OF

Howa L. Rogers

FOR ENROLLMENT AS

CHEROKKEE CITIZENS.

- A. Original testimony. August 13, 1900
- B. Memo of application. " 13, 1900
- C. Marriage license and certificate
- D. Notice of final consideration
- E. Order closing testimony. 2/20/02

Completed
Howa L. Rogers
Enrolled

Cher D117

Cher D117

8.17
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 6 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 13, 1900.

In the matter of the application of Robert Gaarnikow for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Gaarnikow being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Robert Gaarnikow.
Q Your postoffice? A Remy.
Q Your age? A About 55 or 60.
Q Are you a Cherokee Indian by blood? A Yes.
Q Does your name appear upon the Cherokee rolls? A Yes.
Q For whom do you apply? A Myself, wife and children.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Nearly 60 years. Always lived there.
Q Never lived anywhere else? A No sir.
Q Is your father and mother living? A No sir, both dead.
Q What is your wife's name? A Nora.
Q When did you marry her? A '87.
Q What was her name when you married her? A Christine.
Q Her father and mother non-citizens? A Yes.
Q Have you any children under 21 years of age? A Yes.
Q What is the name of the first one? A Charles, 12 years old.
On '96 roll, page 1061, number 374.
Q Next? A Joel B., 10 years old.
On '96 roll, page 1061, number 373.
Q Next? A George, 8 years old.
On '96 roll, page 1061, number 374.
Q Next? A Bula, 6 years old.
On '96 roll, page 1061, number 375, as Bula A.
On '96 roll, page 1061, number 375, as Bula A., (Rep't'n.)
Q Next? A Maudie, 4 years old.
On '90 roll, page 1061, number 377.
Q Next? A Nancy, 1 month old.
Q Have you any marriage certificate? A No sir.
Q Who married you? A Stephen Tehee.
Q Is he living? A Yes.
Q Your wife was a white woman? A Yes.
Q Are these children all alive and living with you at home now?
A Yes.
Applicant on '80 roll, page 691, number 359, as Gaarnikow.
On '96 roll, page 1061, number 371 as Gaarnikow.
Applicant's wife, Nora, on '96 roll, page 1112, number 42.

By Mr. W. T. Hutchins, Attorney for the Cherokee Nation:

Q What was your first wife's name? A Caroline.
Q She was enrolled in '80 as your wife, wasn't she? A Yes.
Q How long did you live together? A I could not tell you-- between 15 and 16 years.
Q You held her out to the world as your wife didn't you? A Yes.
Q And everybody recognized you in the community in which you lived as man and wife? A They certainly did.
Q And you never got any divorce from her? A No sir.

By the Commission:

The name of Robert Gaarnikow appearing upon the authenticated roll of '80 and census roll of '96, he will be duly listed for enrollment as a Cherokee citizen by blood. And it appearing from the

testimony that his former wife, Caroline, is now living and that he never procured a decree of divorce from her although he was never legally married to her, but lived with her for a number of years specified in the testimony as his wife; and the name of his present wife, Nora, being found upon the census roll of '96, and also his children, being ~~being~~ described as specified in the testimony, the final judgment as to the enrollment of his said wife, Nora, and his said Five Children by her, will be suspended. He presents no proof of marriage with his wife, Nora, nor any proof of birth as to his child, Nancy, whose name does not appear upon the census roll of '96. He will be required to file with this Commission a certificate of his marriage to his said wife, Nora, and proof of birth as to Nancy. And the name of his wife, Nora, and his six children as mentioned in the testimony will be placed upon a doubtful card. The decision of the Commission with reference to your wife, Nora, ~~will~~ and your children, will be forwarded to you in the near future by mail, and whether they are accepted or rejected the testimony herein will be forwarded to the Secretary of the Interior with the rolls of the Cherokee Nation when they are forwarded to him for his approval.

The undersigned being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown McDonald

Subscribed and sworn to before me this 31st day of August, 1900, at Port Gibson, I.T.



Commissioner.

C2117

COMMISSIONER.

Subscribed and sworn to before me this 24th day of September, 1903.

[Signature]
J. B. [unclear]

stenographic notes thereof. The above and foregoing is a full and accurate transcript of his testimony and proceedings had in the above styled cases, and that Commission to the five civilly cases types he accurately recorded the E. C. Brownell on each of these cases that an stenographer to the

same is closed.

by attorneys for both applicant and the Cherokee Nation; and the The case is submitted to the Commission for final consideration

Q How many Brooker men? A Yes sir.

Q You knew this man was living with the women as his wife the same he was living with this woman as his wife? A Yes sir.

Q Before this woman and Brooker died living together, nonstop?

Examined by Mr. [unclear]

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Norah Czarnikow, for the enrollment of herself and children as citizens of the Cherokee Nation:

Appearances:

W. M. Rampenpahl, Muskogee, I. T., for applicant;
W. W. Hastings, for Cherokee Nation.

ROBERT CZARNIKOW, being sworn and examined, testified as follows

Examined by W. M. Rampenpahl:

- Q What is your full name ? A Robert Czarnikow.
Q What is your post office address ? A Remy.
Q Are you the husband of Norah Czarnikow ? A Yes sir.
Q When were you married to Norah Czarnikow ? A Well I married in 1887, I think.
Q When was the last time you appeared before the Commission to the Five Civilized Tribes for enrollment of your said wife and children ?
A Pretty near two years ~~last August~~ next August.
Q Since that time have you filed the birth certificate of your youngest child Nancy ? A Yes sir.
Q Is that certificate on file in this office at the present time ?
A I suppose so.
The Commission: There was received, approved and filed by the Commission on the 6th day of November, 1900, a duly executed affidavit as to the birth of Nancy Czarnikow, daughter of Robert and Norah Czarnikow.
Q I will get you to state if since your last appearance before the Commission you have filed with them an affidavit of the minister that married you and your present wife Norah Czarnikow ?
A Yes sir. I turned it over to Hastings there, and told him to file it, at Tahlequah. I told him to turn it over to the Dawes Commission, and told him to file it.

- The Commission: There was received and filed by the Commission on the 4th day of December, 1900, a certificate from Stephen Tehee, certifying that on the 23rd day of August, 1887, he united Robert Czarnikow and Norah Chastaine in matrimony.
Q Please state to the Commission the name of the woman you lived with before your present marriage ? A Caroline.
Q I will get you to state whether you were ever married to Caroline?
A I did not.
Q You may go on and explain about that matter ?
A I offered to her to marry her several times, and she told me she didn't want to marry.
Q Was she in a position to marry any one at the time you lived with her ? A I know a man named Tom Proctor used to live with her before.
Q Do you know whether she was married at that time, or had a legal husband living ? A All I know was that Tom Proctor and her lived together.
Q I will get you to state whether Caroline is living at this time, if you know? A I do not know. I never have so heard in 12 years.
Q Was it your understanding at the time you were living with her that she had a husband living ? A That's the way I understood it

Mr. Hastings: That's a little leading.

Mr. Rampenpahl: I know, and I will withdraw it if you desire.

Mr. Hastings: Let it go.

Mr. Rampenpahl: How long have you been living with your present wife? A We have been living together ever since we were married.

Q How long has that been? But the records will show that conclusively. A I guess between 14 and 15 years.

Q You were legally married to her? A Yes sir.

Q By what laws, United States laws?

A No, Cherokee law. Stephen Tehee married me; and he asked me if I had married the other woman, and I told him I hadn't, and he said that if I had married the other woman he couldn't marry me.

Q Why did you leave this woman Caroline?

A She left me and took another man and went off, and I lived by myself for about one year before I married.

Q Did you go through any kind of formal ceremony when you took up with this woman Caroline? A I did not.

Q Was there any agreement between you to live together as husband and wife? A Not any contract.

Q Did you have a contract? A No contract at all.

Q Did you have any contract at all? A Didn't have no contract. Just run with her a while, and finally I just took up with her.

Examined by Mr. Hastings:

Q How long did you live with this woman; how many years?

A I can't tell you exactly how long.

Q I didn't expect you to tell me within the minute, but I want you to tell me within two or three years.

A The nearest I can guess is probably 10 or 14 years.

Q Did you have some children by her? A I did not.

Q She lived in the same house with you? A Yes sir.

Q You treated her as wife and she treated you as husband?

A Yes sir.

Q When you were before the Commission before you didn't have anything to say about her having lived with Tom Proctor did you?

A They didn't give me a chance.

Q Where did Tom Proctor live? How far from you?

A Between 15 and 20 miles, now.

Q Sequoyah District? A Yes sir.

Q How far did he live from you then? A When?

Q When you were living with this woman? A. He lived there about, I guess, 10 or 8 miles.

Q How far did he live from you when he lived with the woman?

A I stayed within a half a mile of them.

Q How long did he live with her? A I can't tell you

because you see I left down there and used to live with a widow

woman. I stayed with a widow woman there, Mrs. Thurston, and I went there before the old man died, and after he died I stayed there and made that my home.

Q You knew before that this woman lived with Tom Proctor? You knew it when you took up with her? A Yes sir.

Q Then you lived with her 10 or 14 years? A. Yes sir, somewhere along there.

Q Did Tom Proctor have another wife? A He didn't then.

Q Hadn't he had one before that? A No.

Q Did he have any children? A No sir.

Q Did he have any children by this woman? A No.

DANIEL HOLT, being sworn and examined, testified as follows:

Examined by Mr. Rampenpahl:

- Q What is your name ? A Daniel Holt.
 Q What is your post office address ? A Leng.
 Q What is your age ? A I am 42 years old.
 Q Are you a Cherokee Indian ? A Yes sir.
 Q By blood ? A Yes sir.
 Q Is your name upon the rolls ? A Yes sir.
 Q I will get you to state whether or not you are acquainted with Mr. Robert Czarnikow ? A Yes sir, I know Robert Czarnikow.
 Q How long have you been acquainted with him ? A Continually all my life you might say.
 Q State whether or not you remember the time he lived with a woman by the name of Caroline ? A Yes sir.
 Q Were you acquainted with this woman ? A Yes sir.
 Q Do you know whether or not she had lived with any one prior to her taking up with Robert Czarnikow ? A She lived with a man by the name of Tom Proctor.
 Q Did they live together as man and wife ? A Yes sir.
 According to the customs of the Cherokees at that time they lived together as man and wife.
 Q Do you know about how long Proctor lived with this woman ?
 A I should say about two or three years.
 Q Are you acquainted with Robert Czarnikow's present wife ?
 A Yes sir.
 Q Do you know whether he was legally married to her or not ?
 A I don't personally know it, but I have heard it said.
 Q Do you know how long it has been since Robert Czarnikow has been living with his present wife Nerah ? A No sir I do not.
 Eight or ten years though.
 Q Was it generally understood at the time Proctor was living with this woman Caroline that they were man and wife according to the customs at that time ? A Yes sir.

Examined by Mr. Hastings:

- Q When did Tom Proctor live with this woman; what years ?
 A As near as I can recall, somewhere in 1871.
 Q What other woman did Tom have at that time ? A I can't tell you.
 Q How far did you live from him ?
 A I lived about three miles, I reckon.
 Q Did he have another wife at the same time ? A Not as I know of.
 Q Had he had one before that ? A Not as I know of.
 Q Do you know whether Tom was divorced from this woman ?
 A No sir.
 Q You don't know whether he ever went into court and got a divorce or she from him ? A No sir.
 Q Did he have any children by this woman ? A No sir.
 Q This woman lived with Robert Czarnikow for 10 or 12 years ?
 A Yes sir.
 Q He kept her and held her out as his wife ?
 A Yes sir I reckon he did.
 Q Was so generally recognized in the community ? A Yes sir.
 Examined by Mr. Rampenpahl:
 Q Do you know whether Robert Czarnikow held this woman out as his wife ? A I suppose he did.
 Q Wasn't it common for people to live together that were not man and wife, and so considered . A Yes sir, it was very common then, and it is common for my country now.
 Q Did he ever tell you he was living with this woman Caroline as his wife ? A No sir.

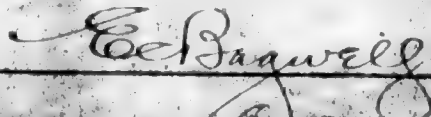
Examined by Mr. Hastings:

Q Before this woman and Procter quit living together, you thought he was living with this woman as his wife? A Yes sir.

Q You knew this man was living with the woman as his wife the same as you knew Procter was? A Yes sir.

The case is submitted to the Commission for final consideration by attorneys for both applicant and the Cherokee Nation; and the same is closed.

E. G. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he accurately recorded the testimony and proceedings had in the above styled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 20 day of February, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept. 10, 1902.

In the matter of the application of Nora Czarnikow for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Charles, Joel B., George, Bula A., Maud, Nancy and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation.

Supplemental Proceedings.

Robert Czarnikow, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Robert Czarnikow.
Q How old are you? A I guess I am about between fifty and sixty. I can't tell exactly my age.
Q Where do you live? A Sequoyah District, Cherokee Nation.
Q Your wife and children have heretofore been listed for enrollment on a doubtful card? A Yes, sir.
Q You stated when you made application that the name of your youngest child living at that time was Nancy? A Yes, sir.
Q Is that the child's correct name? A That's what I give her name, yes, sir.
Q Is that her correct name? A That's the name at the time.
Q What's the child's correct name now? A Since we changed her name, Bertha, what we call her now, that same child.
Q That's the same child as Nancy, is it? A Yes, sir.
Q And you want it enrolled as Bertha instead of Nancy? A Yes, sir.
Q Is the child living? A Living. Yes, sir.
Q Now, who is the child just older than that one? A Older than that one?
Q Yes, sir. A Maudie.
Q That's her correct name? A Yes, Maudie, correct name.
Q Robert, Jr., has been born since that? A Yes, sir, 10th of January.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick
Subscribed and sworn to before me this 10 day of September, 1902.

[Signature]
Notary Public.

Notary Public.

John D. Jones

Subscribed and sworn to before me this 13th day of December, 1905.

John D. Jones

file and complete transcript of his statement before the court.
reported the above alleged case and that she forwarded to a
specialist to the Commission to the Five Civilized Tribes he
leave O. C. Call, being first and second states that he

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Dec 13 1905

Q. And right about before that?

A. When did she die? Before you married her? A. Oh, yes; she

A. Yes, sir.
Q. That first wife went, if dead when you married this Mrs. More?

Examination by the Commission.

Q. Were you ever divorced? A. No, sir; didn't need any.

A. Yes, sir.
Q. And was Caroline alive when you married More? A. Yes, sir.

Q. After you separated from her you married More? A. Yes, sir.

Q. That is the one that is on the eighth roll as your wife?

A. That is the one you took up with? A. Yes, sir.

Q. This second woman, what was her name? A. I told you, Caroline.

Q. Recalled when she died, what year? A. When did she die? A. That is what I told you, I don't

like I used to say.

I can't tell you. It was been a good while ago. I don't remember.

Q. How long did you live with Mrs. A. 5 or 3, maybe 4 years.

Q. Did you live with her until she died? A. No, sir; I didn't.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 9th, 1902.

In the matter of the application of Nora Czarnikow for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her children, Charles, Joel B., George, Bula A., Maudie, Nancy and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation.

Supplemental to D-117.

Cherokee Nation appears by J. C. Starr.

NORA CZARNIKOW, being first duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Nora Czarnikow.
Q. How old are you? A. I will be 34 my next birthday in December.
Q. What is your post office? A. Remy.
Q. You are a white woman, are you? A. Yes, sir.
Q. What is your husband's name? A. Robert Czarnikow.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Is he living? A. Yes, sir.
Q. When were you married to him? A. I was married to him in '87.
Q. Were you ever married before? A. No, sir.
Q. Was he ever married before? A. No, sir.
Q. You are his first wife then? A. I am his first lawful wife.
Q. You are his first lawful wife? A. Yes, sir; first wife.
Q. Did he ever live with any other woman? A. Not that I know of. I couldn't tell you.
Q. He is your first husband? A. Yes, sir; he is my first husband.
Q. You were married in '87? A. '87.
Q. Have you been living with your husband since '87?
A. Yes, sir.
Q. Never separated? A. No, sir.
Q. You were living together on the first day of last September?
A. Yes, sir.
Q. How many children have you? A. Got seven.
Q. Are they all living with you? A. Yes, sir; I have got seven living with me.
Q. Have you a child named Maud or Maudie? A. Maudie.
Q. Is your husband here? A. Yes, sir.

ROBERT CZARNIKOW, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Robert Czarnikow.
Q. Are you the husband of Nora Czarnikow? A. Yes, sir.
Q. When were you married to her? A. Married in '87.
Q. Were you ever married before you married Nora? A. No.
Q. Is Nora your first wife? A. No, not first wife. My woman, she was dead.
Q. You were married before? A. Yes, sir.
Q. What was the name of your first wife? A. Proctor.
Q. White woman or Cherokee? A. Cherokee.
Q. When did you marry her? A. Along in '74 or 5.
Q. When did she die? A. She died I think sometime--I couldn't just exactly tell you when she died.

Q. How long before 1887 was it? A. Why, it was quite a while.
Q. How long have you lived in the Cherokee Nation? A. All my life; I was born and raised right there.
Q. Have you and your wife Nora lived together ever since you were married to her? A. Yes, sir.

Examination by Mr. Starr.

Q. Your first wife was alive when you married this woman, wasn't she? A. No, she wasn't. She died right smart before that.
Q. How long before you married Nora? A. I couldn't just exactly tell you.
Q. Where did she die? A. She died on Leaf creek.
Q. Did you ever live with any other woman as your wife except these two? A. Yes, sir. I stayed with another woman after that.
Q. Who was that? A. A woman by the name of Caroline.
Q. Was she alive when you married Nora? A. Yes, sir.
Q. Did you have any divorce? A. I didn't need any divorce; hadn't been married to her. Just took up together.
Q. She is on the eighty roll with you as your wife? A. I suppose so.

Examination by the Commission.

Q. How long did you live with that woman? A. I couldn't tell you. I never got no education.
Q. Was it two or three years? A. Longer than that.
Q. Several years? A. Yes, sir.
Q. Was it after the death of your first wife that you took up with this woman? A. No. I don't know whether she was dead or alive. The first woman--I had one child.
Q. Did you have a child by this woman you took up with? A. No. My boy got killed in '85, I think.
Q. When did you and this woman quit living together? A. I believe she went off in '86, I think; as near as ~~at~~ I can remember.
Q. Did you hold her out as your wife? A. No. I held her out just like the rest of the boys.
Q. Do you know whether she went by your name? A. She didn't go by that name only on that eighty roll.
Q. Did she go by your name very much? A. No.
Q. People called her by your name? A. No.

BY MR. STARR:

Q. What did they call her? A. Just called her Caroline.

BY THE COMMISSION:

Q. Where is she now? A. I couldn't tell you where she is. She went off, I think in '86, and went off with another man.
Q. Took up with another man? A. Yes, sir. And he died. I don't know where she is at now. I believe George Riley, I think, is the name of the man she took up with.
Q. What was your intention in taking up with her, to make her your wife? A. No, just wanted to keep her like the rest of the boys.
Q. Did she consider you her husband? A. I don't know whether she did or not.

Examination by Mr. Starr.

Q. What did you say was the name of your first wife? A. She was a Proctor.
Q. What was her first name? A. I couldn't tell you. The Cherokee name is all the name I know. I didn't talk English then. I just learned it here lately.

Q. Did you live with her until she died? A. No, sir; I didn't.
 Q. How long did you live with her? A. 2 or 3, maybe 4 years.
 I can't tell you. It has been a good while ago. I don't remember
 like I used to anyway.
 Q. When did she die? A. That is what I told you, I don't
 recollect when she died, what year.
 Q. This second woman, what was her name? A. I told you, Caroline.
 Q. That is the one you took up with? A. Yes, sir.
 Q. That is the one that is on the eighty roll as your wife.
 After you separated from her you married Nora? A. Yes, sir.
 Q. And was Caroline alive when you married Nora?
 A. Yes, sir.
 Q. Were you ever divorced? A. No, sir; didn't need any.

Examination by the Commission.

Q. That first wife wasn't dead when you married this Nora?
 A. Yes, sir.
 Q. When did she die? Before you married Nora? A. Oh, yes; she
 died right smart before that.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as
 stenographer to the Commission to the Five Civilized Tribes he
 reported the above entitled case and that the foregoing is a
 true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

B. O. Jones
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation, and for the enrollment of Nora Czarnikow as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 13, 1900, Robert Czarnikow appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of his minor children, Charles, Joel B., George, Bula A., Maudie and Bertha Czarnikow, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nora Czarnikow, as a citizen by intermarriage of the Cherokee Nation. The application also included Robert Czarnikow, but as he is differently classified he is not included in this decision. Thereafter, on February 18, 1902, September 10, 1902, and October 8, 1902, further proceedings in the matter of said application were had at Muskogee, Indian Territory. Application was also made by the father of the applicant to change the name of Nancy to Bertha, and that she be listed for enrollment under that name. On March 8, 1902, a birth affidavit was filed showing that Robert Czarnikow Jr., was born subsequent to the date of the original application.

It appears from the evidence that on August 23, 1867, Nora Czarnikow, a white woman, was lawfully married to Robert Czarnikow, a citizen by blood of the Cherokee Nation, who is duly identified on the Cherokee authenticated tribal roll of 1880 as a native Cherokee.

It further appears from the evidence that the said Robert Czarnikow, prior to his marriage to his wife, Nora, had lived with a woman by the name of Caroline for ten or twelve years and was living with her in 1880, and she is identified on the Cherokee authenticated tribal roll of 1880 as Caroline Czarnikow.

The evidence also shows that previous to the time Robert Czarnikow and the said Caroline lived together, she had lived with a man by the name of Proctor, but it does not appear that she was formally married to the said Proctor, or that she was ever married after-

wards to Robert Szarnikow, in compliance with the law regulating marriages, but that at the time of the marriage of said Robert Szarnikow and the applicant, Nora Szarnikow, there was no legal impediment to such marriage.

Section ninety-five of Article nineteen of the Compiled Laws of the Cherokee Nation (1875), provides:

"Marriages may be solemnized by any of the Judges of the courts of this nation, or by the clerks of the several districts, or by any ordained minister of the Gospel in regular communion with any religious society. And any marriage contracted in writing in the presence of two or more attending witnesses, who shall sign the marriage contract as such, shall be lawful."

The Supreme Court of the Cherokee Nation in 1886 in the case of Lydia Teehee vs. John Teehee, among other things, says:

"Whatever may have been the custom among the Cherokees, the law of 1875 regarding marriage, like all general laws, applies to all classes of Cherokee citizens and supercedes and annuls customs. Co-habiting for any period does not under the laws of the Cherokee Nation constitute marriage, but the law in consideration of the offspring of such co-habitation provides for the legitimacy of such children by the lawful marriage of the parent."

The applicants, Charles, Joel B., George, Bula A., Naudie, Bertha and Robert Jr., are the children of the said Robert Szarnikow and his wife, Nora Szarnikow. The first five of these children above named are identified on the Cherokee census roll of 1886, but the other two are too young to be upon any roll, but both are duly identified by birth affidavits made a part of the record herein.

The evidence shows that the applicant, Nora Szarnikow, has lived with her husband, Robert Szarnikow, in the Cherokee Nation continuously since their marriage, up to and including September 1, 1902; and that the children, the other applicants herein, have resided with their parents since their birth, in said Cherokee Nation.

It is, therefore, the opinion of this Commission that Nora Szarnikow should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Charles, Joel B., George, Bula A., Naudie, Bertha and Robert Szarnikow Jr., should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

1902

113

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF NORA GUARNIKOW
FOR THE ENROLLMENT OF HERSELF AS A CITIZEN BY INTER-
MARRIAGE OF THE CHEROKEE NATION.

Cherokee B-117

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against that part of the decision of the Commission rendered February 2nd., 1903 in the above case, which decides that Nora Guarnikow should be enrolled as a citizen by inter-marriage, and asks that the same be forwarded to the Secretary of the Interior for review.

The testimony in this case shows that the husband of the applicant is a Cherokee by blood; that prior to 1880 he was living with one Caroline as his wife, and held her out to the community as his wife; that he lived with her some thirteen or fourteen years; that they always treated each other as husband and wife; that they were so recognized in the community, and the name of the said Caroline Guarnikow appears with that of her husband, ~~the~~ Robert Guarnikow, on the 1880 roll, as his wife.

It seems that the applicant's husband, the said Robert Guarnikow, when he first appeared before the Commission on August 14th., 1900, did not at that time seek to deny his relationship with Caroline, and when asked:

"Q:- What was your wife's name?" he said

"A:- Caroline.

"Q:- She was enrolled in 1880 as your wife wasn't she?

"A:- Yes.

"Q:- How long did you live together?

"A:- I can't tell you---between 15 and 16 years.

"Q:- You held her out to the world as your wife, didn't you?

"A:- Yes sir.

"Q:- Everybody recognized you in the community in which you lived as man and wife?

"A:- They certainly did.

"Q:- And you never got a divorce from her?

"A:- No sir".

During this examination Gzarnikow was not put upon his guard by any attorney whom he had employed, nor did he know what would be the ruling of the Commission in such cases, and no effort at concealment was made by him of the true facts in the case. This woman, Caroline, was recognized by him for fifteen or sixteen years as his wife, and these marriages were recognized by Indian law and custom prior to the Code of 1878. The Cherokee Law of 1878, Section 96, Page 230, provides:

"No particular form of marriage
"shall be required in the solemnization
"of marriages, except that the parties
"shall solemnly declare in the presence
"of the judge, clerk or minister officiating, or the attending witnesses,
"that they take each other as husband
"and wife".

Now, it is admitted by Robert Gzarnikow that they held each other out as husband and wife; that they were so recognized by all of the neighbors in the community in which they lived, and when the census takers came around in 1880, Robert Gzarnikow at the head of the family, further attested in the presence of these two witnesses that Caroline was his wife, and gave her name to them as his wife.

Again, the Act of Congress, approved June 28th., 1898, Section 21, confirms the 1880 roll, and we contend affirms the status of the people upon said roll as well, and directs the Commission:

"To enroll all persons now living whose names are found on said roll".

Now, it makes no difference whether Caroline was married to Robert Gzarnikow or not. Under this Act of Congress that marriage was legalized, and if she appeared before the Commission for enrollment, the Commission under the clause above quoted, would be compelled to enroll her, whether there had been any legal ceremony performed uniting them in the Holy bonds of matrimony or not. In other words, the Cherokee Nation contends that the Curtis Bill confirmed the 1880 roll; fixed the status of the persons whose names were found thereon; found that Caroline was the wife of Robert Gzarnikow, and she would be entitled as a citizen by inter-marriage to enrollment if she were living at the present time within the limits of the Cherokee Nation, and hadn't since forfeited her rights to be enrolled, because she was enrolled with him as his wife at that time; and we contend that the said Robert Gzarnikow could not under the Cherokee Law confer citizenship upon a second white woman before being divorced from the one on whom he at first conferred citizenship.

Respectfully submitted,

M. W. Hastings
- Attorney for the Cherokee Nation -

COMMISSIONER
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-117

ADMINISTRATIVE ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

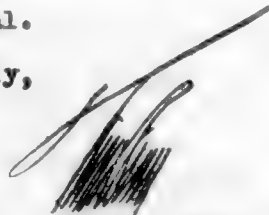
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Robert Czarnikow for the enrollment of his minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood, and for the enrollment of his wife, Nora Czarnikow, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-1524

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-117

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Robert Czarnikow for the enrollment of his wife, Wora, as a citizen by intermarriage, and for the enrollment of his seven minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-117.

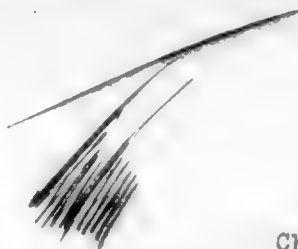
Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nora Czarnikow as a citizen by intermarriage and for the enrollment of her minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nora Czarnikow, on November 9, 1903.

Respectfully,



Chairman.

D.C. 53239-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

LLB

WASHINGTON.

I.T.D. 6482-1903.

December 1, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 9, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, in favor of the applicants, in the Cherokee enrollment case of Robert Czarinkow et al., except as to Nora Czarinkow, who claims as an intermarried citizen of the Cherokee Nation.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of February 2, 1903, is reversed so far as Nora Czarinkow is concerned.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 117.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Nora Czarnikow as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-108
JMH

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Nora Czarnikow

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A - Original testimony - August 13, 1900

B - Mem^e of application - " 13, 1900

C - Birth affidavit - Nancy Czarnikow

D - Marriage certificate

E - Notice of final consideration

F - Supplemental testimony and order closing testimony, Feb. 28, 1902

Birth affidavit, Robert Czarnikow

Transcript

OCT 10 1907

See jacket #1319

Cher D118

Cher D118

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, I. T., August 15th, 1900.

In the matter of the application of Virgil Anderson Wiltshire et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Brockbridge, testified as follows:

- Q What is your full name? A Virgil Anderson Wiltshire.
Q What is your age? A 47.
Q What is your postoffice? A Muskogee.
Q What is your district? A Sequoyah.
Q For whom do you make application at this time to be enrolled?
A Myself, wife and five children.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim for yourself?
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim for her? A 1/8
I think.
Q What is your wife's name? A Abbie Wiltshire.
Q How old is she? A 45.
Q What was her name before she married you? A Crockett.
Q Was that her maiden name? A Yes sir.
Q When did you marry her? A I married the same woman twice. I
first married in '70.
Q When did you marry her under Cherokee law? A In '85.
Q Is your wife on the roll of 1890? A Yes sir.
Q As a Wiltshire? A I couldn't say whether it is Crockett or
Wiltshire.
Q Have you a marriage license or certificate? A No sir, I haven't
got them.
Q Have you personal testimony here by which you can establish
the fact that you and your wife have lived together as husband and
wife? A Yes sir.

Witness, Andrew Jackson Jeremiah, being sworn and examined by
Commissioner Brockbridge, testified as follows:

- Q What is your postoffice? A Muskogee.
Q What is your age? A 67 years.
Q Do you know this gentleman here, Mr. Wiltshire? A Yes sir.
Q How long have you known him as a married man?
Q Is he a married man? A Yes sir.
Q How long have you known him as a married man? A Don't know,
good many years. I saw him married at Wetmore Falls.
Q Did you see him married there under Cherokee license? A Yes sir.
Q Had he been married before under United States license? A I
don't know.

re-direct.

Com'r. Brockbridge:

Mr. Wiltshire, the record of licenses of Sequoyah now in the
possession of this Commission show that a Cherokee license in due
form was issued to you by C. A. Faye, Clerk of Sequoyah District,
on the 19th day of October, 1885. No record is found at present of
the fact that you were ever married under that license as no certifi-
cate is presented or found of record.

Witness, Mr. Jeremiah, continues to testify.

- Q You testify that you saw Mr. Wiltshire married? A Yes sir.
Q Do you know his wife's name? A Abbie, is her given name.
Q Is he living with her still? A Yes sir.
Q They have continued to live together as husband and wife? A Yes
sir.

re-direct.

- Q Have you and your wife lived in the Cherokee Nation ever since
1890? A Yes sir.

- Q Give me the names of your children? A Ida J.

- Q How old is that child? A 19 years old.
 Q Give me your next child? A Annie.
 Q How old is Annie? A 17.
 Q Your next child? A Mary.
 Q How old is she? A 15.
 Q Your next child? A Duke.
 Q How old is he? A 13.
 Q Your next child? A Henry H.
 Q How old is he? A 8.
 Q Your next child? A That's all.
 1880 roll; Page 727, #1375, Labby Wiltshire, Sequoyah Dist.
 1896 roll; Page 1109, #1551, Abbie Wiltshire, Sequoyah Dist.
 1896 roll; Page 1110, #190, Anderson Wiltshire, " "
 1896 roll; Page 1109, #1552, Ida Wiltshire, " "
 1896 roll; Page 1109, #1553, Annie Whiltshire, " "
 1896 roll; Page 1109, #1554, Mary Whiltshire, " "
 1896 roll; Page 1109, #1555, Duke Whiltshire, " "
 1896 roll; Page 1109, #1556, Henry H. Whiltshire, " "
- Q These children are all living now, are they? A Yessir.

Com'r. Breckinridge:

The wife of this applicant, Abbie Wiltshire, who is applied for as a Cherokee by blood, is duly identified on the rolls of 1880 and 1896. She has lived continuously in the Cherokee Nation ever since 1880 and she will be enrolled now as a Cherokee by blood.

Her five children enumerated in the testimony are all identified on the roll of 1896 and they will be enrolled now as Cherokees by blood.

As for the application of Mr. Virgil Anderson Wiltshire, for himself, it is shown by the books of Sequoyah District now in the possession of this Commission that a license was duly issued to him to be married under Cherokee law. At present a search does not reveal in the record the existence of a certificate showing that such marriage was ever carried out. The fact that he was married under United States law long before this time is attested and that he and his wife have continuously lived together as husband and wife, but this Commission desires that he furnish further evidence of the fact that he was married to his wife in accordance with the Cherokee license which was issued to him. There is none of record nor personal testimony of that fact. He is desired to get if possible a copy of the certificate. The record will be further searched if it is in existence anywhere there. In the absence of the copy of the certificate, he is desired to get the sworn testimony of the official who married him, and forward that to the Commission. In the present state of his case, judgment will be suspended for further consideration and the case placed upon a white card. The final decision will be communicated to the applicant and it will be forwarded with all the papers, whether it be favorable or unfavorable, to the Secretary of the Interior for his approval.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, Virgil Anderson Wiltshire, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 5th day of September, 1900.

Edward G. Rothenberger
 Commissioner.

"R"

Cherokee D 118.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Virgil Anderson Wiltshire for the enrollment of himself as a Cherokee by intermarriage;

Appearances:

Applicant, in person,
W.W.Hastings, attorney for the Cherokee Nation.

VIRGIL ANDERSON WILTSHIRE, being sworn and examined testified as follows:

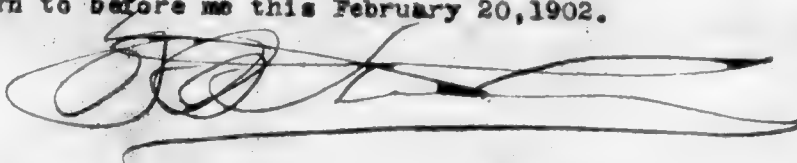
BY COMMISSION:

- Q What is your name? A Virgil Anderson Wiltshire.
Q What is your post-office address? A Muldrow, Indian Territory.
Q You are an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Do you submit this case now to the Commission for final consideration? A I do.
Q There is no further testimony that you desire to offer? A No sir.
BY COMMISSION, of W.W.Hastings:
You submit, Mr. Hastings? A Yes, sir.
-

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 20, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Virgil A. Wiltshire et al.
for enrollment as citizens of the Cherokee Nation.

—e—

On the 13th day of August, 1900, Virgil A. Wiltshire appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Abbie, and their five children as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his wife, Abbie, and their five children were listed for enrollment as Cherokees by blood on a regular card, and the name of the applicant, Virgil A., was placed upon a doubtful card awaiting evidence of his marriage under Cherokee license.

On the 17th day of February, 1902, the applicant appeared in person and by attorney and submitted this case to the Commission for final consideration.

D E C I S I O N .

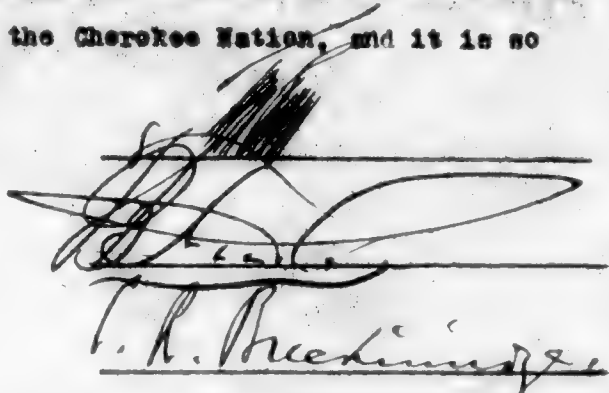
From the evidence of record in this case it appears that Virgil A. Wiltshire was married to his wife, Abbie, under authority of a Cherokee Marriage license in the year 1883; that they have continued to live together to the present time. His wife is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1890 census roll. She has resided in the Cherokee Nation all her life. The applicant is duly identified on the 1890 census roll.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of

eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Virgil A. Wiltshire is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



T. R. McChesney

Commissioners.

Dated at Muskogee, Indian Territory,
JUL 11 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-118.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

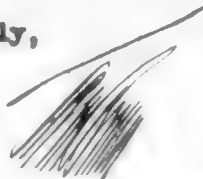
W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of Virgil A. Wiltshire for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-9.

CHEROKEE

DH8

Virgil A. Wiltshire

Transferred to Cherokee 9505

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 31 1900



ACTING CHAIRMAN



RECORDED
INDEXED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 14, 1900.

In the matter of the application of Luna Seabolt for the enrollment of himself and wife as Cherokees by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

- Q What is your full name? A Luna Seabolt.
- Q What is your age? A 27.
- Q What is your post office? A Maple.
- Q What is your district? A Sequoyah.
- Q Whom do you want put on the rolls now? A Well myself, and my wife claims to be a Cherokee citizen, they will have to investigate her.
- Q Let me know who it is you want to apply for? A Myself and wife.
- Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
- Q Is your wife an Indian or a white woman? A She claims to be an Indian.
- Q There are no children you want to apply for? A No, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A No, sir.
- Q Are you on the roll of 1880? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A 27 years; I was born and raised here.
- Q Have you lived in Sequoyah district all that time? A Yes, sir.
- Q What is your wife's name? A Georgia A. Seabolt.
- Q How old is your wife? A 21, she will be in October.
- Q What was her name before you married her? A Prather.
- Q That was her maiden name, was it? A Yes, sir.
- Q Is she on the roll of 1880? A I can't say.
- Q Is she on any of the rolls? A I think she is on the 1894 and 1896 roll.
- Q When were you married to her? A In 1897.
- Q What was her mother's name? A Bettie Prather.
- Q Is her mother living? A No, sir.
- Q How long has her mother been dead? A 2 years.
- Q Is her mother on the roll of 1880? A Yes, sir.
- Q Was she admitted to citizenship by the action of the tribal authorities? A No, sir, she was a white woman, it is on her father's side that she claims.
- Q Her mother was on the roll of 1896, was she? A I think not, they parted and her father enrolled her, my wife, in Tahlequah district.
- Q What is your wife's father's name? A Richard L. Prather.
- Q Is he living? A No, sir.
- Q How long has he been dead? A He has been dead I believe since 1896 or 1896, I am not certain.
- Q Is he on the roll of 1880? A I can't say, I don't think he is.
- Q None of you have ever been admitted to citizenship by the Dawes Commission, have you? A No, sir.
- Q Have you ever applied? A No, sir.
- Q Have you ever been admitted or rejected by the United States court? A No, sir, not to my knowledge.
- Q Have any of you ever made application to the tribal authorities of the Cherokee Nation for citizenship? A Not to my knowledge, I don't know it if they ever did.
- Q Who was the mother of your wife's father? A I think her name was Caroline Prather.
- (Luna Seabolt on 1880 roll, page 721, No. 1228, Loony Seabolt, Sequoyah district.)
- Q Was your wife in Sequoyah in 1880? A No, sir, she was in Arkansas.
- Q Was she in Sequoyah district in 1894? A No, sir, in Tahlequah in Delaware district.
- (Georgia A. Prather on 1884 roll, page 445, No. 2306, Georgia A. Prather, Delaware district. Luna Seabolt on 1896 roll, page 1092,

Luna Seabolt - 2.

No. 1234, Looney Seabolt, Sequoyah district. Georgia A. Seabolt on 1896 roll, page 514, No. 2350, Georgia Prather, Delaware district.)

Q Was her mother in the Cherokee Nation in 1880? A No, sir, in Arkansas.

Q Was she here in the Nation in 1880? A No, out in the state. (1894 roll, page 445, No. 2305, Richard Prather, Delaware district. The name of Richard L. Prather also on 1896 roll.)

Mr. W. T. Hutchings, attorney for Cherokee Nation: Your wife is the daughter of Richard L. Prather, is she not? A Yes, sir.

Q He was the son of Caroline Prather, was he not? A Yes, sir.

Q Caroline Prather was admitted to citizenship by the Supreme Court of the Cherokee Nation in 1870, was she not? A Well, I reckon so.

Q And no other member of the Prather family was admitted? A I can't say, I don't know.

Q How do you claim citizenship for your wife then? A On her father's side, she claims she is a Cherokee by blood.

Q Your wife's father wasn't born in the Cherokee Nation, was he?

A I can't say, I think that he was.

Q He was born long prior to 1870 wasn't he? A I guess so.

Commissioner Brockenridge: A Mr. Seabolt, I understand you to say that your wife's grandmother, that is to say, the mother of your wife's father, was admitted to citizenship along in the seventies under the name of Caroline Prather; is that right? A To the best of my knowledge, that is my understanding.

Q Now you don't claim that your wife's father, Richard L. Prather, was admitted by the judicial proceedings at that time? A No, sir, I don't know it, I don't claim it.

Q He was living at that time? A Yes, sir.

Q He must have been, as your wife is 20 years old or such a matter and that action was in the seventies, and Richard L. Prather is your wife's father? A Yes, sir.

Q Now Caroline Prather, it seems, has been omitted from the roll of 1880 because of a dispute that was going on in regard to the decision by which she had been admitted, but at a subsequent date it was determined by the Cherokee authorities that the decision in her case should be permitted to stand; that is the state of facts, is it not?

A I guess so, I don't know in regard to the application for the enrollment of Georgia A. Seabolt.

In this application for the enrollment of Georgia A. Seabolt, nee Prather, it is understood that her grandmother on her father's side, Caroline Prather, was admitted to citizenship by the Cherokee authorities along in the seventies. It is not shown that any of the family of Caroline Prather were admitted at that time or at any subsequent time by the Cherokee authorities, at least none of her family who were then living. This applies to the father of this woman, Richard L. Prather. Now Richard L. Prather, now dead, is found upon the roll of 1894, and his daughter, now Georgia A. Seabolt, the present applicant, is found upon the roll of 1894 and 1896, but her claim is no stronger than the claim of her father, through whom she claims, and it is not shown in any form at any time where he acquired the right to enrollment, and he is not upon the roll of 1880. Neither is her mother upon the roll of 1880; neither is this claimant on the roll of 1880 though her age as given by her husband is 21 years. Now the application of Georgia A. Seabolt will be placed upon a doubtful card to await some evidence to the effect that her father was at some time lawfully admitted by the Cherokee authorities to Cherokee citizenship.

Now as for the application of Luna Seabolt for himself, he is identified upon the roll of 1880 as a Cherokee by blood, he is also

Luna Benbow, Jr.

identified, in the fall of 1896, he has lived in the Cherokee Nation all his life and he will be enrolled now as a Cherokee by blood.

Brace C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Brace C. Jones

Sworn to and subscribed before me this 20th day of August, 1906.

M. H. Jones

Commissioner

D119

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 31 1902

ACTING CHIEF

RECEIVED
MAR 31 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1908.

In the matter of the application of Georgia A. Seabolt for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1908, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be permitted to appear before the Commission and introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter of notification. The applicant has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

CD 119

Kotela Public.

transcribed and sworn to before me this 2nd day of 1903.

James J. [Signature]

55

James J. [Signature]

Cherokee.

the following is an account of the same, as given by the Cherokee Nation and Proceedings had in the above entitled cause, and that Commission to the five Civilized Tribes, as correctly recorded the

H. C. Hester, an agent of the Cherokee Nation, as agent of the

Q And that was one child? A Yes, sir.

Q And since she came here from Arkansas in 1880?

Q And that your sister has resided continuously in the Cherokee Nation since that time?

Q And that your sister has resided continuously in the Cherokee Nation since that time?

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 12, 1903.

In the matter of the application of GEORGIA A. SEABOLT, for the enrollment of herself and her son SAM H. SEABOLT, as citizens by blood of the Cherokee Nation:

Appearances:

D. H. Wilson, of Vinita, I. T., for applicant;
W. W. Hastings, Esq., for Cherokee Nation.

JESS PRATHER, being first duly sworn, and examined, testified as follows:

Examined by Mr. Wilson:

- Q What is your name ? A Jess Prather.
Q What is your age ? A Twenty one.
Q What is your post office ? A Grove.
Q What relation are you to Georgia Seabolt ? A Brother.
Q Where does Georgia Seabolt reside ? A About four miles from Muldrow, Indian Territory.
Q How long has she lived there ? A She has lived there since 1897, I believe.
Q How long has she lived in the Indian Territory ?
A Well I can't say that, for I don't remember exactly how long.
Q Approximately ? A She came here in 1880.

By Mr. Hastings: In the year 1880 ?

A No, I mean in the eighties.

By Mr. Wilson:

- Q Has she lived here continuously since that time ?
A Yes sir.
Q What was her maiden name ? A Georgia Prather.
Q Was she living in the Indian Territory, and in the Cherokee Nation, in June, 1898 ? A Yes sir.
Q And has she lived here and resided here continuously since that time ? A Yes sir.

By Mr. Hastings:

- Q She is a full sister of yours ? A Yes sir.
Q What was your mother's name ? A Ford.
Q Where were you born ? A They told me I was born in Arkansas.
Q Do you remember your residence in Arkansas ?
A Yes sir.
Q Was your sister Georgia Seabolt born there also ?
A Yes sir.
Q Did you and she come to the Indian Territory together ?
A No sir.
Q Which came first ? A She came before I did.
Q How about how old was she when she came here ?
A I don't know exactly, she is--
Q Is she older or younger than you ?
A She is about two years older than I am.
Q You are certain she came here before 1890 ?
A Yes sir, I came here in 1889, and she came a year before I did, about a year.
Q Then she has been living here ever since 1888 ? A Yes sir.

- Q Have you lived here continuously since 1889 ?
 A I have with the exception of a few months I went to school in Arkansas.
 Q What place ? A In Franklin County.
 Q Your old home place ? A Yes sir.
 Q When did you quit going to school, or have you quit yet ?
 A Yes sir, I didn't go to school down there but about four months in 1896.
 Q What four months were these ? A I don't remember, I believe it was in the fall of, lets see, I don't remember just the year it was.
 Q When did your mother die ? A In 1898, she died this side of Ballisaw, close to where my sister now lives.
 Q When did your mother move up here in the Indian Territory ?
 A I don't know that I was up here all the time and she was down there. I don't know when they moved up here.
 Q Your mother moved up here after you came ?
 A Yes sir, all I know she was here in 1896, that was the year I went down there.
 Q Did you live down there a while ? A Yes sir, I went there in 1896, and didn't come back here until 1899.
 Q Down in Sequoyah district ? A Yes sir.
 Q Who was your guardian down there ?
 A My mother was my guardian until she died in 1898, in August, 1898.
 Q Had she been married after her separation from your father ?
 A Yes sir.
 Q What was her name when she died ? A Kinsie.

By the Commission:

- Q Who are you claiming citizenship through, your father ?
 A Yes sir.
 Q Richard L. Prather ? A Yes sir.
 Q Was he admitted to citizenship ? A Yes sir, I suppose he was.
 Q That was before you came to the Cherokee Nation was it ?
 A Yes sir, they claimed it was in 1871.
 Q That was before you were born ?
 A Yes sir, that was before I was born.
 Q Well, where was your father when you came to the Nation first ?
 A He lived on Cowakin prairie out here.
 Q He was here already ? A Yes sir.
 Q Who had you been staying with in Arkansas ? A My mother.
 Q What was her name ? A Bettie Ford.
 Q That was your sister's mother too, Georgia ? A Yes sir.
 Q Your father and mother were separated then at the time you came to the Cherokee Nation ? A Why yes, my mother got a divorce from him.
 Q Were they divorced at the time you came here ?
 A Yes sir, I reckon they was, they didn't live together.
 Q You say your sister Georgia came alone before you did ?
 A Yes sir, my father brought her here before he did me.
 Q Was she living with your father ? A Yes sir.
 Q And you came to your father's when you came to the Nation ?
 A Yes sir, and lived here in town.
 Q How long since your father died ? A He died in January, 1895.
 The 10th day of January.
 Q Did you live with him ? A Yes sir.
 Q Up to the time he died ? A Yes sir.
 Q Did your sister Georgia ? A Yes sir.
 Q Did your father live continuously in the Cherokee Nation after you came here until he died ? A Yes sir, with the exception of a few months, I think he did, he lived at Southwest City, we was going to school there.

- Q But from 1888 up to 1898, with the exception of that few months, your father lived continuously in the Cherokee Nation ?
 A With the exception of a few months he did, yes sir.
 Q With that exception ? A Yes sir.
 Q How long had he been in the Cherokee Nation when you came ?
 A I suppose he had been here all the time.
 Q What do you mean by all the time, when did he come here first ?
 A I don't know that
 Q You don't know how long he had been in the Nation when you came ? A When they said he was admitted, in 1871.
 Q When was your sister married ? A Georgia ?
 A Yes. A She was married in 1897, I think, 1897 or 1898.
 Q Who did she live with between the death of your father and the time she married ? A She lived with my mother.
 Q In the Cherokee Nation ? A Yes sir.
 Q Her husband is a Cherokee by blood ? A A half breed.
 Q Have they been living in the Cherokee Nation since they were married ? A Yes sir.
 Q So that your sister has resided continuously in the Cherokee Nation since she came here from Arkansas in 1889 ?
 A Yes sir.
 Q She just has one child ? A Yes sir.

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

N. C. Bagwell

Subscribed and sworn to before me this May 28, 1903.

Samuel Foreman

Notary Public.

IN THE MATTER OF THE APPLICATION OF

Georgia A. Seabolt

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony, August 14, 1900

B. Memo of application - " 14, 1900

C. Birth certificate, Sam Houston Seabolt

D. Notice of final consideration

E. Order closing testimony, Feb. 18, 1902

Committed to the custody of the

Sec. Cherokee Jacket, etc.

Cher D 120

Cher D 120

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 6 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MILBURN, I.T., AUGUST 14, 1900.

In the matter of the application of John B. Seabolt for enrollment of himself and wife as citizens of the Cherokee Nation, said Seabolt being sworn by Commissioner Peedles, testified as follows:

- Q What is your name? A John B. Seabolt.
Q Your age? A 26.
Q Your postoffice? A Garma.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q What do you apply for? A For myself and wife.
Q What is your father's name? A Jeremiah H. Seabolt.
Q Is he living? A Yes.
Q Cherokee citizen by blood? A Yes.
Q What is the name of your mother? A Penelope.
Q Is she living? A Yes.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah district? A All my life.
Q Are you married? A Yes.
Q What is your wife's name? A Nellie A.
Q Is she a citizen by blood? A Yes.
Q What is her maiden name? A Holson.
Q What is her father's name? A Sam Holson.
Q Is he living? A Yes.
Q What is her mother's name? A Nellie Holson.
Q Is she living? A Yes.
Q Have you certificates of marriage? A Yes.
Q What is the date of your marriage to Nellie Holson? A February 11, 1900.
Q How long has your wife lived in the Cherokee Nation? A I don't know exactly how long; she was born on the Choctaw side.
Q Is her mother a Choctaw? A No sir, Cherokee.
Q Has she always lived in the Cherokee Nation? A No sir, she lived in the Choctaw Nation, but has always lived in the Indian Territory.
Q Is she living in the Cherokee Nation now? A Yes.
Q Where was she living when you married her? A In the Cherokee Nation.
Q Do you know how long she had been living in the Cherokee Nation when you married her? A 7 or 8 years.

Applicant on '00 roll, page 722, number 1255;

~~Applicant on '00 roll, page 722, number 1255;~~

By Mr. Hastings: Cherokee Representative:

- Q Does your wife's father live in the Choctaw nation? A Yes.
Q Did he exercise the right of suffrage there? A Yes, I guess he did.
Q Was your wife a citizen of the Choctaw Nation? A Yes.
Q By the Commission:
Q Is your wife's mother a Cherokee citizen? A Yes.
Q Your wife's people were likely living in the Choctaw Nation in '80? A Yes.
Q Did your wife ever apply down there for enrollment to the Commission? A I don't know; I don't think she did.
Q Does her father and mother live down there yet? A Her father lives down there and her mother lives upon here.
Q Were they separated? A Yes.
Q Your wife and her mother were admitted to citizenship in the

Cherokee Nation? A Yes.

Q Have you any certificate of their admission? A No sir.

Q Do you know whether your wife or your wife's mother were ever admitted by act of Council? A I don't know.

Q Did they ever apply to the Dawes Commission for citizenship?

A I don't know.

By Mr. Hastings, Cherokee Attorney:

Q Do you know where your wife was born? A I don't know whether it was in the Choctaw Nation or over here-- Choctaw Nation I guess.

Q She lived in the Choctaw Nation until (her mother) was separated from her father and moved back here? A Yes.

Q How long ago has it been since she moved back here? A I don't know.

Q Did your wife draw strip money in '94? A Yes, I think so.

Q Is she on the '96 roll? A I guess she is.

Applicant's wife on '96 roll, page 1073, number 672, as Holston.

On '94 roll, page 964, number 719, as Holston.

J. E. GINTER, being sworn, testified:

Q What is your name? A J. E. Ginter.

Q What is your age? A 54.

Q Your postoffice? A Muldrow.

Q Are you a Cherokee citizen by blood? A Yes.

Q Do you know ~~Samuel~~ ~~Gann~~? A ~~Samuel~~ ~~Gann~~ Salie Holson? A Yes.

Q How long have you known her? A About 20 years.

Q What citizenship is she by blood? A She is a Cherokee.

Q Do you know her daughter, Lollie A? A No sir, I don't know her.

Q What was Mrs. Holson's maiden name? A Gann.

Q To whom was she related? A She was related to the McCays.

Q Did she have any brothers or sisters? A Yes, Swinnie Gann, Tom Gann and Charlie Gann.

Q What was her father's name? A George Gann.

Q Was he an adopted citizen? A No sir, Cherokee.

Q Do you know where Salie Holson was born? A No sir.

Q Do you know whether she ever lived in the Cherokee Nation or not of your own personal knowledge? A Yes.

Q Where did she live? A Near Foreman postoffice.

Q She married a Choctaw and moved to the Choctaw Nation? A Yes.

Q And lived there until a few years ago? A I don't know.

Q Where did she live in '00? A I don't know.

JOHN FAULKNER, being sworn, testified as follows:

(By Mr. Hastings, Cherokee Attorney:)

Q What is your name? A John Faulkner.

Q Your age? A 53.

Q Your postoffice? A Muldrow.

Q Are you a citizen of the Cherokee Nation by blood? A Yes.

Q Do you know Salie Holson? A Yes.

Q What was her maiden name? A Gann.

Q Do you know where she was born? A No sir.

Q Did she ever live in the Cherokee Nation? A Yes she was here a good many years ago and she is here now I guess.

Q Do you know where she went to? A To the Choctaw Nation I understand.

Q How long did she live in the Choctaw Nation? A I don't recollect it has been over 20 years since she went there and I think she came back about the time of the strip-payment and been living here ever since is my understanding.

Applicant on '96 roll, page 1098, number 1267, as John Ellis Seabolt.

The name of John E. Seabolt appearing upon the authenticated roll of '80 as well as the census roll of '96, and satisfactory proof having been made as to his residence, and being fully identified according to page and number as designated in the testimony, he will be duly listed for enrollment as a Cherokee citizen by blood. The name of his wife, Mollie A. Seabolt, formerly, Mollie Holson, ~~name~~ name is found upon the census roll of '96 and pay-roll of '94, duly identified as per page and number of the rolls as indicated in the testimony. Neither her name nor the name of her mother is found upon the roll of '80. Testimony shows that her mother removed to the Choctaw Nation over 20 years ago and married a Choctaw citizen, and that his wife, her daughter, the wife of said John E. Seabolt, was born in the Choctaw Nation, but removed to the Cherokee nation about the year '94. No proof having been adduced showing that the said Mary A. Seabolt or her mother, Sallie Holson, were admitted to citizenship in the Cherokee nation, judgment as to the enrollment of Mollie A. Seabolt, wife of John E. Seabolt and daughter of Sallie Holson, will be suspended and her name placed upon a doubtful card. A certificate of marriage and marriage license is presented showing that the said John E. Seabolt was married to the said Mollie Holson under the laws of the United States upon the 13th day of February, 1900.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above named case, and that the foregoing is a full, true and correct transcript of his ~~make~~ stenographic notes thereof.

Brown McConnel

Subscribed and sworn to before me this 1st day of September, 1900.



Commissioner.

Exhibited and sworn to before me this 4th day of October, 1901.

Notary Public.

[Signature]

[Signature]

of the Western Division.
Section of Notary Public.
and collect evidence of the
five Quaintance types; on each state that the foregoing is a copy
I, Albert C. Thompson, a Notary Public, do hereby certify to the Commission to the

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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C O P Y.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 2, 1901.

In the matter of the application of Mollie Ann Seabolt for enrollment as a citizen by blood of the Choctaw Nation.

Mollie Ann Seabolt being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Ann Seabolt.
Q What is your age? A 22.
Q What is your post office address? A Fanson.
Q Is that in the Indian Territory? A Yes sir.
Q In what Nation? A Cherokee Nation.
Q What is the name of your father? A Sam Holson.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Sallie Holson.
Q Is she living? A Yes sir.
Q Is your father a citizen by blood of any Nation in Indian Territory? A Choctaw Nation.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q Is your mother a citizen of any nation in Indian Territory? A Cherokee.
Q Is your mother a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Does her name appear upon the tribal rolls of the Cherokee Nation? A Yes ~~xxxx~~ I guess it does.
Q Do you know whether her name appears upon the tribal rolls of the Cherokee Nation? A No sir.
Q Where were you born? A In the Choctaw Nation? A
Q Near what place, do you know? A No sir I cant tell you that. It was in Sugar Leaf County tho'.
Q How long did you live in the Choctaw Nation? A Until I was fifteen I think; I'm not sure; I think I was fifteen.
Q Do you know whether or not your name appears upon any of the tribal rolls of the Choctaw Nation? A No sir I dont know; never saw any of the rolls.

The name of Mollie Holson, 15 years of age appears upon page 32 of the 1893 pay roll of the lease district payment Sugar Leaf County Choctaw Nation and it appears from the record thereof that she was paid the sum of \$103.00.

- Q Where does your mother now reside? A Gann in the Cherokee Nation.
Q Have she and your father been divorced? A Yes sir.
Q Do you know when they were divorced? A No sir.
Q Where were your father and mother living at the time of the divorce? A Well papa was living in the Choctaw Nation and mama was living in the Cherokee Nation.
Q Where were you living at that time? A In the Cherokee Nation.
Q With whom were you living? A Mama.
Q You are now married are you? A Yes sir.
Q To whom are you married? A John Ellis Seabolt.
Q Did you live in the Cherokee Nation with your mother after she was divorced from your father until the time you were married?
A Yes sir.

- Q From the time your father and mother were divorced up to the time that you were married your mother had the care of you?
A Yes sir.
- Q Did you ever make application to the tribal authorities for enrollment as a citizen of the Cherokee Nation? A No sir.
- Q Did you or anyone else in your behalf ever draw any money in the Cherokee Nation as a citizen by blood of the Cherokee Nation?
A Yes we drew the money; I guess it must have been in the Cherokee Nation or we wouldn't have got it.
- Q Did your mother draw the money for you? A Yes sir.
- Q How much did you receive? A Well there was \$265 and some cents but I forget what the cents was.
- Q Did you receive that \$265, and the "some cents" that you speak of? A Yes sir.
- Q Was this money paid to you personally or to your mother? A It was to mama.
- Q In what year did you receive it? A '94 I believe it was.
- Q At what place? A At the court house in Sequoyah District.
- Q Did you ever make application for enrollment to the Commission to the Five Civilized Tribes? A Last summer was the only time.
- Q You made application last summer? A Yes sir.
- Q At what place? A Salisaw and went to Muldrow too.
- Q That was in the summer of 1900? A Yes sir.
- Q Did you ever receive any decision from the Commission to the Five Civilized Tribes as to your application for enrollment as a citizen of the Cherokee Nation? A No sir.
- Q Are you advised that the act of Congress approved June 28, 1898 provides that: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled ~~with~~ in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere"? A I dont know anything about any such provision of law.
- Q If it should be found that you have been recognized and duly enrolled by the tribal authorities as a citizen of both the Choctaw and Cherokee Nations as a citizen of what nation do you now elect to be enrolled and take your allotment of lands and distribution of money? A Choctaw.
- Q The decision of the Commission relative to your application for enrollment as a citizen by blood of the Choctaw Nation will be mailed to you at your present post office address as given in your testimony.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 2nd day of October 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.


Clara Mitchell Wood.

Subscribed and sworn to before me this 3rd day of October, 1901.

J. S. Dodson,
Notary Public.

RECEIVED
OCT 10 1901
B. I. H. D.
I, Albert G. Hamilton, stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a full and correct report of the testimony taken in the matter of the application of Nellie Ann Seabolt for enrollment as a citizen by blood of the Choctaw Nation.

Albert G. Hamilton

Subscribed and sworn to before me this 4th day of October, 1901.

J. J. Dodson
Notary Public,

IN THE MATTER OF THE APPLICATION OF

Mollie A. Sealock

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 4. 1900

B. memo of application - " 14. 1900

Testimony of D. H. S. 1901. from Xhortant
Division

Cancelled and transferred to Cherokee
R-975

See Cherokee Jacket 105, 1344

Cher D 121

Cher D 121

Department of the Interior.
Commission to the Five Civilized Tribes.
Wichita, I. T., August 14th, 1906.

In the matter of the application of John Wesley Shoemaker et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breakridge, testified as follows:

- Q What is your full name? A John Wesley Shoemaker.
Q That is your full name, is it? A Yes sir.
Q Is Wetmore Falls your post office? A Yes sir.
Q Is Canadian your District? A Yes sir.
Q Do you want to apply for yourself? A Yes.
Q And your wife? A Yes.
Q And you want to apply for six children? A Yes.
Q Are you 68 years old? A Yes.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q You apply for your wife as an adopted citizen do you? A Yes.

The applicant hands as a 'manuscript from the records of the Commission on citizenship at Tahlequah to the effect that on the 5th day of January, 1903, there was admitted to citizenship by said Commission, among others, one John W. Shoemaker. This copy is supplied by D. W. C. Dumas at that time Clerk of the Commission, and the copy is dated January 23rd, 1903; that being the date when the copy was made showing that the Commission acted through Thomas Talco, President of the Commission, Alexander Wolfe and T. F. Thompson, Commissioners, and there is an endorsement by John F. Adair, Assistant Executive Secretary, under the seal of his office, dated Jan. 26th, 1903, to the effect that the above named Commission was the legal and duly authorized tribunal for the trial and determination of all claims to citizenship in the Cherokee Nation.

- Q Now this John W. Shoemaker mentioned in the paper just quoted, is yourself is it? A Yes.
Q You have lived in the Cherokee Nation ever since you were admitted in '03, have you? A Yes.
Q You are on the roll of '03, are you? A Yes.
Q You apply for your wife as an adopted citizen? A Yes.
Q She was not admitted at the time you were? A No.
Q Have you a marriage license or certificate? A No.
Q Were you married to her in 1903 when you were admitted to citizenship? A Yes.
Q And she was not admitted with you at that time? A No.
Q Have you ever been married to her under Cherokee law since you were admitted? A No.
Q You have never been married to her at all under Cherokee law? A No.
Q Is your wife on the roll of 1903? A Don't know.
Q Is her name Miss...? A Yes.
Q Any other name? A No.

Read roll; page 33, 1901, Little Shoemaker, Canadian District.

You need no a list here as you are paralyzed and cannot speak distinctly. I will call the names off to you and you can indicate your assent.

- Q Your oldest child is Calvin B. A Yes.
Q 17 years old? A Yes.
Q The next child is Lida O., 15 years old? A Yes.
Q The next two children appear to be twins; one is named Claude and the other is named Maude, and both are 12 years old; is that right? A Yes.
Q The next child is given as Maggie H., aged 8 years old; is that right? A Yes.

Q The next child is given as Berie, 3 years old; is that right?

A Yes.

Q Now, Mr. Thompson, you have in a duly certified transcript from the official records of the Commission on citizenship, Cherokee Nation, showing that the same Commission and officials cited in your case acting under the same authority, did on the 30th of January, 1903, admit to citizenship certain children of yours; that is to say children of J. W. Thompson and those are your initials, are they, that are Calvin Snowsake.

Q What is the name of your youngest child at that time? A Yes.

That is duly identified.

Q Now the ages of all the other children whose names you have given indicate that they were born since you were admitted to citizenship that is true is it? A Yes.

Q All these are all the children of your wife, Elizabeth who was your wife at the time you were admitted and is still your wife?

A Yes.

Q The names of these children are given on the official document you presented, but they are living and of age now and can apply for themselves; is that right?

This document is referred to you and it is a satisfactory evidence of the fact that it exists.

last roll;	page 65,	1898,	John W. Snowsake,	Commissioner District.
last roll;	page 61,	1897,	Calvin Snowsake,	"
last roll;	page 65,	1898,	Berie	"
last roll;	page 61,	1898,	Calvin	"
last roll;	page 65,	1898,	Berie	"
last roll;	page 65,	1898,	Berie	"
last roll;	page 65,	1898,	Berie	"

Q Now, Mr. Thompson:

In regard to the application here made for Elizabeth Snowsake, the wife of the applicant, it is found that she is on the roll of 1898, which gives the Commission jurisdiction, but it is also found that she was married to the latter before 1898 at the time and prior to the time of his admission to citizenship and testimony to Cherokee citizenship. She was not admitted with him at that time nor has she been admitted at any subsequent time, nor has she been married to her since his admission to citizenship or at any other time under Cherokee law. Therefore, Elizabeth Snowsake is considered not entitled to enrollment at this time and the application for her is rejected.

Now as regards the application for John W. Snowsake, for himself and his children enumerated in the testimony, he is duly identified as having been admitted to citizenship in 1898 as appears with the parties here on out forth in the testimony. He is identified on the roll of 1898. His oldest child in the present list, Calvin, is identified as admitted in the same manner that his father was and also is identified on the roll of 1898. The other children, making altogether six children, have applied for, are identified on the roll of 1898. All of them except Calvin having been born since the date of admission referred to. Now this family has lived in the Cherokee Nation continuously since the admission in 1898. The representatives present of the Cherokee Nation state that they desire to present evidence to the Commission regarding this application with respect to the original admission to citizenship, membership not forth. It is therefore to give consideration to this matter at a more convenient season, judgment is at present reserved upon the application of John W. Snowsake and his

his children concerned in the testimony. He will be given copies of all proceedings in the premises and the final report will be communicated to him and also forwarded to the Secretary of the Interior for his ultimate approval.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Edward L. Rothenbryer

Subscribed and sworn to before me this 25th day of September, 1900.

[Signature]
NOTARY PUBLIC.

RECORDED
INDEXED
SEP 27 1900
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

IN THE MATTER OF THE APPLICATION OF

John W. Shumaker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 14, 1900

B. Mem^o of application " 14, 1900

C. Notice of final consideration, 3/15/02

D. Proof of service of notice 3/15/02

Exhib. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. AA. AB. AC. AD. AE. AF. AG. AH. AI. AJ. AK. AL. AM. AN. AO. AP. AQ. AR. AS. AT. AU. AV. AW. AX. AY. AZ. BA. BB. BC. BD. BE. BF. BG. BH. BI. BJ. BK. BL. BM. BN. BO. BP. BQ. BR. BS. BT. BU. BV. BW. BX. BY. BZ. CA. CB. CC. CD. CE. CF. CG. CH. CI. CJ. CK. CL. CM. CN. CO. CP. CQ. CR. CS. CT. CU. CV. CW. CX. CY. CZ. DA. DB. DC. DD. DE. DF. DG. DH. DI. DJ. DK. DL. DM. DN. DO. DP. DQ. DR. DS. DT. DU. DV. DW. DX. DY. DZ. EA. EB. EC. ED. EE. EF. EG. EH. EI. EJ. EK. EL. EM. EN. EO. EP. EQ. ER. ES. ET. EU. EV. EW. EX. EY. EZ. FA. FB. FC. FD. FE. FF. FG. FH. FI. FJ. FK. FL. FM. FN. FO. FP. FQ. FR. FS. FT. FU. FV. FW. FX. FY. FZ. GA. GB. GC. GD. GE. GF. GG. GH. GI. GJ. GK. GL. GM. GN. GO. GP. GQ. GR. GS. GT. GU. GV. GW. GX. GY. GZ. HA. HB. HC. HD. HE. HF. HG. HH. HI. HJ. HK. HL. HM. HN. HO. HP. HQ. HR. HS. HT. HU. HV. HW. HX. HY. HZ. IA. IB. IC. ID. IE. IF. IG. IH. II. IJ. IK. IL. IM. IN. IO. IP. IQ. IR. IS. IT. IU. IV. IW. IX. IY. IZ. JA. JB. JC. JD. JE. JF. JG. JH. JI. JJ. JK. JL. JM. JN. JO. JP. JQ. JR. JS. JT. JU. JV. JW. JX. JY. JZ. KA. KB. KC. KD. KE. KF. KG. KH. KI. KJ. KK. KL. KM. KN. KO. KP. KQ. KR. KS. KT. KU. KV. KW. KX. KY. KZ. LA. LB. LC. LD. LE. LF. LG. LH. LI. LJ. LK. LL. LM. LN. LO. LP. LQ. LR. LS. LT. LU. LV. LW. LX. LY. LZ. MA. MB. MC. MD. ME. MF. MG. MH. MI. MJ. MK. ML. MM. MN. MO. MP. MQ. MR. MS. MT. MU. MV. MW. MX. MY. MZ. NA. NB. NC. ND. NE. NF. NG. NH. NI. NJ. NK. NL. NM. NN. NO. NP. NQ. NR. NS. NT. NU. NV. NW. NX. NY. NZ. OA. OB. OC. OD. OE. OF. OG. OH. OI. OJ. OK. OL. OM. ON. OO. OP. OQ. OR. OS. OT. OU. OV. OW. OX. OY. OZ. PA. PB. PC. PD. PE. PF. PG. PH. PI. PJ. PK. PL. PM. PN. PO. PP. PQ. PR. PS. PT. PU. PV. PW. PX. PY. PZ. QA. QB. QC. QD. QE. QF. QG. QH. QI. QJ. QK. QL. QM. QN. QO. QP. QQ. QR. QS. QT. QU. QV. QW. QX. QY. QZ. RA. RB. RC. RD. RE. RF. RG. RH. RI. RJ. RK. RL. RM. RN. RO. RP. RQ. RR. RS. RT. RU. RV. RW. RX. RY. RZ. SA. SB. SC. SD. SE. SF. SG. SH. SI. SJ. SK. SL. SM. SN. SO. SP. SQ. SR. SS. ST. SU. SV. SW. SX. SY. SZ. TA. TB. TC. TD. TE. TF. TG. TH. TI. TJ. TK. TL. TM. TN. TO. TP. TQ. TR. TS. TT. TU. TV. TW. TX. TY. TZ. UA. UB. UC. UD. UE. UF. UG. UH. UI. UJ. UK. UL. UM. UN. UO. UP. UQ. UR. US. UT. UU. UV. UW. UX. UY. UZ. VA. VB. VC. VD. VE. VF. VG. VH. VI. VJ. VK. VL. VM. VN. VO. VP. VQ. VR. VS. VT. VU. VV. VW. VX. VY. VZ. WA. WB. WC. WD. WE. WF. WG. WH. WI. WJ. WK. WL. WM. WN. WO. WP. WQ. WR. WS. WT. WU. WV. WW. WX. WY. WZ. XA. XB. XC. XD. XE. XF. XG. XH. XI. XJ. XK. XL. XM. XN. XO. XP. XQ. XR. XS. XT. XU. XV. XW. XX. XY. XZ. YA. YB. YC. YD. YE. YF. YG. YH. YI. YJ. YK. YL. YM. YN. YO. YP. YQ. YR. YS. YT. YU. YV. YW. YX. YY. YZ. ZA. ZB. ZC. ZD. ZE. ZF. ZG. ZH. ZI. ZJ. ZK. ZL. ZM. ZN. ZO. ZP. ZQ. ZR. ZS. ZT. ZU. ZV. ZW. ZX. ZY. ZZ.

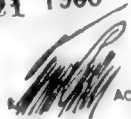
See Cherokee
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 21 1900



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Aug. 14, 1900.

In the matter of the application of William W. Miller for the enrollment of a child, Samuel Thomas, as a Cherokee citizen; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A William W. Miller.
Q What is your age? A Sixty-two.
Q What is your post-office address? A Maple.
Q What is the name of the child? A Samuel Thomas.
Q What is its father's name? A He just went by the name of Thomas; he was a Cherokee.
Q What was his mother's name? A Martha Miller I think her name was, ~~about~~ she was a niece of mine.
Q Was she a Cherokee citizen by blood? A Yes sir.
Q When did she die? A She died some 1880?
Q Where is this boy living? A With me.
Q How long has he lived with you? A I guess he has lived with me about seven or eight years.
Q Has he living out lawfully in the Cherokee Nation for the last seven or eight years? A Yes sir.
Q How old is he? A About twelve years old.
Q What was his father's name? A Creek Tom I reckon they called him; in 1880 this child's mother was married to a man by the name of McGoy, and she lived with a man by the name of Chambers for a while, 1880 roll, ~~page~~ examined for the child's mother, and name not found, 1896 roll examined for child, page 1104 1474 Samuel Thomas, Sequoyah District, 1894 roll, page 976 9831 Samuel Thomas, Sequoyah District.
Q What proportion of Cherokee blood does this boy have? A He is about one-half.
Q How much blood did his mother have? A One-quarter I reckon.
Q What was his father? A He was a full-blood.
Q This boy's mother your sister? A He is my nephew, his mother was my niece.

Thomas Blair, being sworn and examined by Commissioner Needles testifies as follows:

- Q What is your name? A Thomas Blair.
Q What is your age? A Fifty-six.
Q What is your post-office? A Akin.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Do you know a boy named Samuel Thomas in the custody of William Miller? A Yes sir.
Q Did you know his mother? A I used to know a lady, Martha Miller; it was said to be her child.
Q Was she a Cherokee by blood? A Yes sir, said to be.
Q Do you know her degree of blood? A No sir, I don't.
Q Then you don't know positively whether Samuel Thomas is Cherokee by blood or not? A No sir.
Q What does he appear to be? A He appears to be like a full-blood Cherokee.

Com'r Needles: The name of Samuel Thomas appears upon the census roll of 1896 and the pay roll of 1894; it is averred in the testimony that his mother's maiden name was Martha Miller, and at one time Martha Chambers, and at another time Martha McGoy; upon examination of the rolls of 1880 her name cannot be found; no satisfactory testimony being given as to the citizenship of his mother.

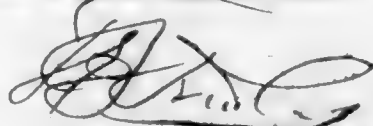
William W. Miller for Sam'l Thomas #2

final judgment as to the citizenship of the said Samuel Thomas is suspended, and his name will be placed upon a doubtful card.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M.D. Green

Subscribed and sworn to before me this 20th day of August 1900.



Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, T. T. December 5, 1900.

Supplementary as to D Card 122.

1880 roll; page 556, #1209, Martha McKay, Illinois district.

Commissioner Needles-

The name of Martha McCoy, the mother of Samuel Thomas, the applicant, upon further examination is found upon the authentic dated roll of 1880 as Martha McKay; page 556, #1209. The said Samuel Thomas is duly identified as the child of said Martha McCoy; consequently, the said Samuel Thomas will be taken from D-Card 122, and placed upon straight card; he being fully identified, and will be listed for enrollment as a Cherokee citizen by blood.

E. C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above supplementary judgment in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 5th day of December, 1900.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Thomas for enrollment as a citizen of the Cherokee Nation.

On the 14th day of August, 1900, William W. Miller appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Samuel Thomas as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Samuel Thomas was placed upon a "Doubtful" card, awaiting identification of his deceased mother, upon the 1880 authenticated tribal roll of the Cherokee Nation.

Further evidence has been submitted in the case, and the following decision is rendered:

D E C I S I O N

--oOo--

From all the evidence of record in this case it appears that Samuel Thomas is about twelve years old, and that he has resided in the Cherokee Nation all his life; that he is the son of Creek Tom; that his mother's name was Martha Miller, at one time Martha Chambers and then Martha McCoy. The child Samuel Thomas is duly identified upon the 1894 Pay Roll, and the 1896 Census roll of the Cherokee Nation. His deceased mother is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation.

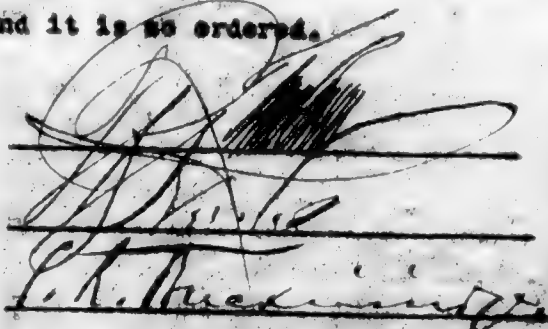
In making rolls of citizenship of the Cherokee Nation, this Commission is governed by the following provision of the Act of Congress, approved June 23, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll,

C D - 122 - 2 -

and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

In view of the facts and the law in this case, it is considered that Samuel Thomas is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

A large, stylized handwritten signature, likely of the Commissioner, is written over a horizontal line. Below the signature, the name "P. H. Buckner" is printed in a cursive font.

Commissioners.

Dated at Muskogee, Indian Territory,
this 9th day of May, 1902.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D-122.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Samuel Thomas for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-122.

Samuel Thomas

Transferred to Cherokee 7508

Cher D123

Cher D123

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[Signature]

Handwritten vertical text, possibly a date or signature.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 14th, 1900.

In the matter of the application of William W. Shoemaker et al
for admission as Cherokee citizens; being sworn and examined by
Commissioner Broadbridge, testified as follows:

- Q What is your full name? A William W. Shoemaker.
Q What is your age? A 75.
Q What is your postoffice? A Weathersburg.
Q And your District? A Cherokee.
Q Where do you now live on the rolls at this time? A Myself, wife
and two children.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for your wife as a Cherokee by blood? A White
woman.
Q Now Mr. Shoemaker, you, I believe, are among those that claim
to be admitted by the tribal authorities of the Cherokee Nation?
A Yes sir.

You present here a transcript from the records of the Commission
on Citizenship, Muskogee, Cherokee Nation, furnished by L. W. C.
Duncan, Clerk of said Commission, to the effect that on the 5th
of January, 1893, there was admitted to citizenship one W. W.
Shoemaker. The proceedings being had by Thomas Welch, President of
the Commission, Alexander Wolfe and C. E. Thompson, commissioners,
attended by D. W. C. Duncan, Clerk of the Commission. Said trans-
cript purports to be a full copy of the record of said proceedings
at the time stated, and this transcript is endorsed by John L.
Adair, Assistant Executive Secretary, and under the seal of his
office and under date of Jan. 25th, 1893, to the effect that the
above Commission on Citizenship consisting of the officials named,
was at the time mentioned, that is Jan. 5th, 1893, a legal and
fully authorized tribunal for the trial and determination of all
claims to citizenship in the Cherokee Nation.

- Q Now, Mr. Shoemaker this name mentioned in the document just re-
ferred to is your name, is it? A Yes sir.
Q This is recognized as authentic evidence as that being your
name and of the proceedings indicated having been had as stated,
and this is returned to you.
Q Have you lived in the Cherokee Nation ever since you were ad-
mitted in 1893? A Yes sir.
Q Are you making it your home at this time? A Yes sir.
Q Give me the name of your wife? A Miriam P.
Q What is her age? A 37.
Q When were you married to her? A Married in 1887.
Q Was she living with you as your wife at the time you were
admitted to citizenship as indicated just now? A Yes sir, her
name's on the application.
Q You say that your wife applied for admission to the Cherokee
authorities at the same time you did? A If it was done, the lawyer
did it.
Q Have you any evidence that your wife was admitted by the Commis-
sion on Citizenship at the time you were or at any other time? A
No.
Q Do you pretend that she was admitted to citizenship by the Chero-
kee Commission at any time? A No.
Q Do you pretend that she was admitted to citizenship by any
other Cherokee authority? A No sir.
Q Is she on the rolls of 1893? A Yes.
Q Give me the names of your children? A Lula.
Q How old is that child? A 19 years old.
Q Next child? A Mary Elizabeth.
Q How old is that child? A 17.
Q Were either of these children admitted to citizenship at the time
you were or any other time? A One was.
Q Which one? A Lula.
Q Have you got the certificate of admission? A Yes.

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Mr. Shoemaker, you present here a copy of the decision of the Commission on Citizenship in a case, showing that on the 30th day of January, 1883, there was admitted to citizenship certain children of W. H. Shoemaker, and among them, Lula and Mary. The decision is shown to have been rendered by the Commission consisting of Thomas Tohee, President, Alexander Wolfe and T. F. Thompson, Commissioners, D. W. C. Duncan, Clerk of the Commission, and there is an endorsement upon the copy under date of January 30th, 1883, by W. P. Boudinot, Executive Secretary, to the effect, D. W. C. Duncan, the Clerk of the Commission making the certified copy referred to is the duly appointed and acting Clerk of the Commission on Citizenship of the Nation and that his acts as such are entitled to full faith and credit. This is signed by said Boudinot under the seal of his office.

Q Now Mr. Shoemaker, are the Lula and Mary Shoemaker mentioned in the document I have just referred to your two daughters for whom you apply now? A Yes sir.

Q They are identified in that respect and this paper is returned to you.

1896 roll; page 65, #1773, William H. Shoemaker, Canadian Dist.

1896 roll; page 93, #252, Syna P. Shoemaker, " "

1896 roll; page 65, #1776, Lula B. Shoemaker, " "

1896 roll; page 65, #1777, Mary E. Shoemaker, " "

Q Now Mr. Shoemaker, have you and your wife been living together ever since you were admitted to the Cherokee Nation? A Yes sir.

Q And lived all the time in the Cherokee Nation? A Ever since I was admitted.

Q And these two children whose names you have given are living with you at this time? A Yes sir.

Mr. Hutchings, representative of the Cherokee Nation:-

Q What brothers came with you to the Nation or are here now besides the J. W. that was admitted the same time you were? A We did not have no brother come the same time. I had a brother come after that.

Q What is his name? A James P.

Q How long afterwards did he come? A I don't recollect; it might have been 12 or 14 years. He came here to make application before the Dawes Commission from Texas.

Q He made an application before a citizenship Commission at Tahlequah some years before that? A No not J. P.; if he did I don't know of it.

Q Which one was it? A A nephew J. D.

Q And he made application? A Some time after I was admitted two or three years afterwards.

Q Do you know whether it was the same Commission that you applied to then? A No, it wasn't.

Q How was it that you didn't apply for your children in the same case that you applied for yourself before the Teehee Court? A I don't know why the lawyer made up the application that way. He made an application for I and my brother and after they admitted us, he then sent for us and had our children admitted.

Q Didn't C. Duncan write you up a judgment for the children without going before the Commission? A No sir.

Q Did the Commission now try the case of your children and hear any evidence about them all? A Yes sir, they did and I was before the Commission and identified them.

Q What sort of an Indian ancestor did you put up that you claim through before that Commission? A I claimed through Annie Shoemaker, my grandmother. I derived the blood through my father, John A. Shoemaker.

Q Where did they live? A In Alabama.
Q What place? A In Jackson County.

redirect.

Con'r. Breckinridge:

In the application for Sirona P. Thowake, wife of the applicant, it is shown that she has never been admitted to citizenship by any of the authorities of the Cherokee Nation. It is further shown that her name was included in the petition of her husband in 1887 and that when he was admitted to citizenship, she was omitted. She is a white woman. Her name is on the roll of 1896, which gives this Commission jurisdiction, but inasmuch as she has been rejected or at least not admitted by the tribal authorities, no application was ever made for her, and it is not claimed that she has ever been admitted to citizenship by any authority, the application for her at this time is rejected.

As for the applicant himself, William H. Thowake, and his two children, Julia H. and Mary H., they are both identified as indicated in the testimony as having been admitted to citizenship by a Commission on Citizenship in 1883. They are identified on the roll of 1896, but the representatives present of the Cherokee Nation indicate their desire to attest the legality of their admission, and for the present judgment in the case of these three applicants will be suspended. If anything new adverse to the applicant is developed they will be given notice and they will be informed of the final decision of this Commission, which decision with all the papers in the case will be finally referred to the Honorable Secretary of the Interior for his approval.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of September, 1900.

Edmund C. Rotherberg
[Signature]
Commissioner.

United States of America
Indian Territory
Northern District & S

Personally appeared
before me the undersigned
Notary Public within and
for the Northern District
of the United States Court
for the Indian Territory
Samuel H. Bengel, who being
by me first duly sworn
on oath deposes and says
" My name is Samuel H. Bengel
my post office is Fort Gibson
Indian Territory, my age is
(70) seventy years, I am a
Cherokee by blood and have
held various official ^{positions,} among
them, member of the Senate, Member
of Council, Sheriff, President of
the Inter National Council of the
Five Civilized Tribes of the
Indian Territory, Delegate
to Washington D.C. and the
last surviving signer of the

Treaty of 1866. I am acquainted
with W.H. Shoemake and John
W. Shoemake, who applied
to the Cherokee Commission
on Citizenship in the Cher-
okee Nation about the year
1880 Their case was
continued from time to time
until January 1883 when
it was settled - I went from
Fort Gibson to Tahlequah in
January 1883 and when I
reached Tahlequah the
case of W.H. Shoemake and
John W. Shoemake was
on trial; at the conclusion
of the trial in January 1883
the court rendered an
opinion and decision against
W.H. Shoemake and John
W. Shoemake, I was
present and heard the
decision rendered. The opinion
of the court was read by

D.W.C. Duncan, Clerk of the Court - When Court convened the next morning the Court rendered another decision reversing the decision of the previous day and admitted the applicants W. H. Shoemaker and John W. Shoemaker.

This decision was written by D.W.C. Duncan, who was Clerk of the Commission at that time.

I was not associated with C. H. Taylor as attorney in ~~the~~ Shoemaker case and had no interest in it and did not authorize anyone to sign my name to the petition for rehearing that was filed in this case.

7

Same time between the
time the adverse opinion
was rendered in the evening
and the time the decision
was reconsidered and
rendered favorable to
the applicants the next
morning - I did not know
that such a motion
was ever written or filed
in the case. - I have
examined the motion for
rehearing and I am
positive that it is in
the handwriting of D.W.C.
Duncan - I was present
in the court the evening when
the decision was rendered
against the applicants and
remained in court until the
evening session adjourned
and no additional testimony

5
was introduced in the case
that evening - I come
into the Court the next
morning, ^{upon} arriving ~~there~~
found that the Court had
been in session less
than a half hour and
the Shoemaker case that
had been decided the
evening before had been
called up and was
being reconsidered and
no additional testimony
was filed in the case
while I was in the
Court room and in
considering the testimony
and passing on the
case the Court considered
and passed on the
case, when the case
was reconsidered on

the very same testimony
that the Court had before
it when it rejected the
applicants; and when
the ~~testimony~~ case was
being discussed by the
Court in reconsidering
it no mention was
made by the Court in
the discussion, of any
new testimony -

after the rehearing of
the Shoemaker case I
asked Alex Wolfe who was
one of the commissioners
why it was that the case
was reconsidered and
a different decision rendered
and Alex Wolfe answered
that D. W. C. Duncan had
told the Commission They
had done wrong and
that they had to change

7

that decision and
admit the Shoemakes
and they changed the
decision -

It was the general
talk of everybody the morning
the case was reversed
and the Shoemakes were
admitted that money was
used that night which
influenced the court to
change its decision and
it was generally talked
and generally understood
by the people present
when the Shoemakes were
admitted that the Shoemakes
had paid D.W.C. Duncan
Clerk of the Court ~~money~~ and
by bribing had secured
the reversing of the

Case —

When the Court was
not in session after
the decision had been
rendered, rejecting the
Shoemakes, I saw
D.W.C. Duncan, clerk
of the Commission and
A.H. Shoemake and John
W. Shoemake talking
privately to one side
and Duncan went
off with the said Shoemakes that evening —

Samuel H. Benge

Subscribed and sworn to
before me this 15th day
of March 1902

J. O. Starr
Notary Public

January 1, 1890.

The confirmation of this testimony in this case is all that

is the transcript of the stenographic notes given.

Proceedings in this case, and that the testimony is a true and correct
translation to the five witnesses given, I correctly recorded the
1st of January, 1890, as nearly correct as the stenographer to the

R.

C. 1-123.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William H. Shoemaker for the enrollment of himself and children as citizens of the Cherokee Nation.

Appearances:

Thomas H. Owen and Judge John R. Thomas, attorneys for applicant
W. T. Hutchings and W. W. Hastings, attorneys for Cherokee Nation.

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902. On the said 15th day of March, 1902, the case was continued by agreement until the 17th day of March, 1902. Receipt was acknowledged of the Commission's letter, and the applicant this day, to-wit: the 17th day of March, 1902, appears in person and by his attorneys, Thomas L. Owen and Judge John R. Thomas.

MR. HUTCHINGS: The Nation in this matter states that it is ready for trial in all matters pertaining to the same, except the testimony of S. H. Beggs, a material witness in this case, and an affidavit is here shown, stating what that evidence would be, which, the applicant refusing to admit, the Nation cannot go into the trial unless an opportunity is permitted at some future time to either have this witness present, or to take his testimony by deposition. The Nation states that the witness lives eight miles from Muskogee, that he is at present unable to travel at all, and that it is probable he will not be able to travel at any time in the near future. He has been duly summoned by the Nation. The Nation requests authority to take his deposition at some convenient time in the future, the Nation agreeing to bear all the expenses of all parties to the same.

JUDGE THOMAS: The applicant protests against the continuance of this case, it having been set down for trial by agreement at this time, having been continued from the former setting last Saturday at the request of the Nation, and no notice given of the intention to apply for a continuance or for the introduction of testimony other than that present. The applicant further protests against the taking of this testimony for the reason that the evidence offered is wholly incompetent, being hearsay and oral testimony attempted to be introduced for the purpose of impeaching a solemn record, the witness Beggs not having been a member of the Commission of the Cherokee Nation that investigated and admitted the Shoemaker case, and that he only pretends to speak as one who had heard a current rumor, and not as one who participated officially in the proceedings. This is a collateral proceeding to a solemn judgment, and this Commission cannot take up a collateral proceeding, and certainly not by the alleged hearsay testimony of an absent witness.

This is an attempt to impeach a solemn record in a collateral proceeding. Since 1883 this judgment has stood. Judgment was entered in January, 1883. Since 1883 there has been no proceeding by the Nation to set aside, by any direct proceeding, this judgment or decree, which has all the strength of a decree of a tribunal of competent jurisdiction.

But the view I take in regard to that affidavit is that it amounts to nothing more than a suspicion. That there were some suspicious circumstances could not for a moment militate against this judgment, this decree of admission, by a court of competent jurisdiction. Therefore we protest, that the attempt to take this case, or take testimony, the testimony in this matter, could not be allowed, either by this Commission, or any court having jurisdiction. It is merely a suspicion.

BY COMMISSIONER: In looking over the papers, it seems the Nation proposes to prove by the evidence here of Samuel H. Bengtson, that corrupt influences were used in securing the admission to citizenship by the Cherokee tribunal, in the matter of granting admission to certain applicants, but it is not proposed to prove that except as a matter of opinion on the part of the witness, based upon his observation, which may or may not have been complete, so far as that is concerned; that no additional testimony was introduced that he saw such persons in private conversation; that he did not overhear a word of their conversation; he was not a member of the tribunal; and in any event we must take his evidence for what it is worth. It is a question whether the failure to introduce any additional testimony would be, even if established, in any degree evidence or persuasive testimony that corrupt means had been used. I know of a case where the Supreme Court of the United States reconsidered a question on the income tax, possibly without any further argument, but whether it had heard argument or not, it would be a violent inference that there was corrupt influence brought to bear. I know a great many cases before this Commission where the Commissioner reverses his own opinion formed on appeal. There is no argument, but there is a further consideration of the testimony already taken, so that, if proved, would not prove anything.

The fact that two men are seen in private conversation, of course, does not prove anything. It can hardly be called, unless they are men of disreputable character, even a suspicious circumstance. There is nothing alleged in this paper, so far as intimated by the counsel for the Cherokee Nation, that indicates any tangible evidence at all of corrupt purposes in this matter. It would be a question that I do not pretend to decide at this time, as to whether the Commission could go behind the decision, in regular form, or would do it, of a competent tribunal, admitting the party to citizenship. But it certainly seems clear that the matter could hardly be seriously considered when it is proposed to introduce evidence in no way tangible, to establish that point. Therefore, it seems to me that what is proposed in this case, it has not offered any sufficient ground for a continuance.

MR. HUTCHINGS: Your honor is entirely right in your conclusions from that affidavit, if that affidavit were the only evidence offered. Courts are more liberal in establishing a question of fraud than any other case, because it can only be established by suspicious circumstances. No other facts are allowed to be established that way. Those suspicious circumstances, like the Supreme Court of the United States, the judgment would not be set aside on them alone, but when you establish a whole lot of suspicious circumstances, each one dovetailing into the other, they do establish that same thing. We have other testimony here to show how it was that this judgment happened to be set aside, to show you that money was used, or a reasonable certainty that it was used; the fact that these judges were seen talking with the man whose money was used, isn't that circumstances that corroborate that fact? And the fact that the judgment was written up the evening before and changed the next morning; that the judges were in conversation with the attorneys for the other side and with the parties for the other side in the meantime, these and other facts and circumstances go to prove that character of fraud. It cannot be proved in any other way, because

men usually cover up their rascality, and direct evidence is usually unobtainable. The judgment itself shows on its face to have been erased as originally written up.

JUDGE THOMAS: Fraud may not be established by the suspicions of a witness any more than any other fact in the whole range of judicial proceedings. Circumstances may be shown, or certain conditions as tending to show, fraud. But here is an attempt made to assail a solemn judgment of a court by oral testimony of a witness, who, at most, testifies to what he regards as suspicious circumstances. It would be indeed be a peculiar case, if the judge did not dare have a conversation with a member of the bar who happened to an attorney for the plaintiff in a case that had just been tried. They do not even urge that there was any conversation between the judge of the court-- that there was any single circumstances tending to show that there was a single cent, or any consideration, offered for the change of judgment. There have been changes of judgment by every judge who ever presided. But here, since 1883, there has been no attempt made to assail this judgment, and nineteen years have passed since then, and now they attempt to come in and establish by the introduction of the alleged testimony of an absent witness the fact that he saw the Clerk (?) of the Commission talking to the applicant next morning. I do not believe it would be considered a minute in any tribunal.

BY COMMISSION: I am ready to rule on the matter. I can readily understand that circumstantial evidence would be a very important part, and sometimes the only correct proof in establishing fraud. This affidavit is not accepted, under the ~~max~~ practice of the Commission, as a document, but merely as equivalent to oral testimony. It is not signed by counsel. While seeing no ground to admit that circumstantial evidence must clear every important part, it does not follow that the circumstances mentioned in this statement are correct. Certainly these statements should be very strongly supported to give them weight. My decision is that the case will proceed. If there is strong reason to believe, after the conclusion of the proceedings, or at any future time before the rolls are closed finally, that the case should be re-opened, application can be made and the Commission will consider it. The Commission will be very loath to reopen these matters, if it can be properly avoided, but it can come up at any future time upon the question of reopening the case for any sufficient reason. I do not see any sufficient reason at this time to continue the proceeding. As to any new question, should it arise, the Commission can decide when it has arisen.

MR. HUTCHINGS: We do not ask that the proceedings be continued but that we be allowed the opportunity of having testimony at some future time.

BY COMMISSION: As for that proposition, that would be taken under advisement. I am not willing to make any ruling at this time that may seem to be an agreement to keep the case open to take the testimony of this witness. At present, it does not seem at all material. If, in the course of this proceeding, it should be shown to be material, or you can connect it with ~~other~~ other circumstances and make a new motion to reopen the case, then that alone would be considered; but so far as the present ruling is concerned, it is that the case continue as at present, just as if this question had not been brought up.

BLUFORD W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS: What is your name? A. Bluford W. Alberty.

Q. Where do you reside? A. At Tahlequah.
 Q. What is your post office address, is that it? A. Yes sir.
 Q. Are you a citizen of the Cherokee Nation? A. Yes sir.
 Q. Do you hold at present, any official position in that Nation?
 A. I am Assistant Executive Secretary of the Cherokee Nation.
 Q. Do you have anything to do, by virtue of that position, as custodian of any records?
 A. Yes sir, I am custodian of the records.
 Q. Have you in your custody the records of the various commissions on citizenship, appointed by the Council?
 A. I have a portion of those records, but there is a record book we turned over to Mr. Reuter when the Commission was there at Tahlequah getting the records and judgments.
 Q. Have you charge of such original papers, affidavits, etc., as were left in the Capitol Building? A. Yes sir.
 Q. Have you any original testimony in the first Shoemaker case?
 A. Yes sir, I have some papers of that character.
 Q. Present them to the Commission, please.
 A. Here are some of the papers (Witness presents papers)
 Q. Where did you find these papers?
 A. Found them in a desk that is appropriated to the storing away of papers on citizenship matters in the executive office.

MR. HUTCHINSON: The Nation here offers in evidence the original petition and amended petition in the case of W. H. Shoemaker and J. W. Shoemaker, the original petition bearing date September 10, 1880, and the amended petition January 4, 1882, and the testimony in the case taken January 3, 1882. As follows:

Before the Hon. Commission on Citizenship.

In the case of W. H. Shoemaker,
 and John W. Shoemaker

VS.
 Cherokee Nation.

Claiming Citizenship.

Claimants present their claim to citizenship under specification 1st of claimants referred by law to this Commission.

Claimants claim to be Cherokees through their ancestry, as set forth in the affidavits herewith submitted and other proof.

Respectfully,
 W. H. Shoemaker,
 John W. Shoemaker,
 Per Bell & Taylor, Attys.

Sept-10th-1880.

Hon. Court of
 Commission.

Tahlequah, C. H.,
 Jan. 4, 1882.

The undersigned claimant makes the following statement, to-wit:
 Claimants are of Cherokee descent and blood, and present themselves to be recognized as such under and through the law erecting this Commission.

Claimants are descendants lineally from a family of Cherokees of which Annie Shoemaker, an admitted and recognized Cherokee, who was the wife of John Shoemaker, was taken reservation by right of his wife, Annie, under the Treaty of July 8th, 1817, in support of this fact will submit a certified copy of reservation, and other testimony in support of the facts.

Respectfully,

V. H. Shoemaker,	J. W. Shoemaker,
Cyrena "	Elizabeth "
Jessy, "	James "
Hugh "	William "
Richard "	Harmon "
Charles "	John "
Thomas "	Joda Alice "
Rhoda "	Mattie "
Lular "	Henry Clay "
Mary "	Minnie May "
	Cell "

Office of the Commission on Citizenship.
Tablequah, Cher. Nat. Jan. 5th, 1882.

V. H. Shoemaker &
John W. Shoemaker
vs.
Cherokee Nation.

Testimony in favor of Claimants.

Samuel R. Keys sworn and examined.

- 1 Ques. Are you acquainted with the applicants?
1 Ans. I am. I have not seen him for several years till yesterday I happened to meet up with him.
- 2 Ques. State where you first became acquainted with him.
2 Ans. In Jackson County, North Alabama, on Crow creek.
- 3 Ques. How long has it been since you first became acquainted with the Shoemaker family?
3 Ans. I was acquainted with the Shoemaker family 1835 or 6, up until 1870, but I was not much acquainted with the applicant. The applicant left that country about 1850. I was well acquainted with him up to that date.
- 4 Ques. Were you acquainted with the applicant's grandfather and grand mother?
Ans. 4. Yes, I was.
- Ques. 5. Did you know of their taking a reservation there on Crow creek?
Ans. 5. Yes, I knew of it, it was taken before I was born.
- Ques. 6. State how the reservation was taken.
Ans. 6. It was taken in the right of the claimant's grandfather's wife
- Ques. 7. You have seen his grand mother, Anna?
Ans. 7. Yes. Of course she was an Indian, else she could not have drawn any money. I never asked her what blood she was, or how much. Just to look at the woman, she looked as if she might have been a half breed. She might have been more, or she might have been less. I never asked the old lady how much Cherokee blood she had in her. The Shoemakers were generally recognized by all the people as Cherokees. John A. Shoemaker, the father of the applicant, used to drive stock a good deal. I used to run a ferry boat on the Tennessee river/ and he used to cross his stock at my ferry. When the white people would see the stock crossing at my ferry they would ask me whose stock it was, and I would say, "Shoemaker's, that Indian, Shoemaker." His boys, the applicants, would frequently be there with him crossing his stock. I heard something about them getting dispossessed of their reservation there.. There

- was a man by the name of Jim Kaperten- he told me himself that he had made a contract with Shoemake to enter suit against the U. S. States for this land. He gained the suit, and they gave him half the reservation for gaining it. I suppose the old man is living on it today, if he is alive; he was in possession of it when I left that country.
- Ques. 8. Where was the reservation located?
 Ans. 8. In Jackson county, Alabama. There are two creeks there called Big Crow creek and Little Crow creek. This reservation lies in the fork of those two creeks, but not exactly at their mouths where they come together.
- Ques. 9. How far from Crow Town is this?
 Ans. 9. Some ten or twelve miles.
- Ques. 10. What kind of a man was this Jim Kaperten?
 Ans. 10. A high minded, reliable and honest man. Could get any office in the county that he would ask for he- he generally got them.
- Ques. 11. Were you acquainted with Jim Kaperten's brother?
 Ans. 11. Yes, John C. Kaperten.
- Ques. 12. How was he as to truth and veracity?
 Ans. 12. Just about as his brother Jim. Never heard anything disgraceful of either of them. Jim belonged to the Masonic Lodge.
- Ques. 13. Do you know the applicants to be the grandsons of Anna Shoemake?
 Ans. 13. I know them in this way-John A. Shoemake was a son of Anna Shoemake's, and the applicants were the sons of John A. Shoemake; that will make the applicants the grandsons of Anna Shoemake.
- Ques. 14. Whose husband was John Shoemake?
 Ans. 14. He was the husband of Anna Shoemake.

Cross Examination.

- Ques. 15. Was this reservation inside the Cherokee line?
 Ans. 15. Of course it was on the Cherokee side. I never heard of a reservation being taken outside of the nation.
- Ques. 16. How old were the applicants when you became first acquainted with them?
 Ans. 16. About 15 or 18 years of age.
- Ques. 17. How came you to have a knowledge that the grandmother of the applicants was a Cherokee?
 Ans. 17. Because she drew a reservation as a Cherokee, and she looked like a Cherokee, and she said she was a Cherokee.
- Ques. 18. Did she speak the Cherokee language?
 Ans. 18. Yes, when there was an occasion for it; there were no Cherokees there who spoke the Cherokee.
- Ques. 19. Do you know that the applicants have Cherokee blood?
 Ans. 19. I don't know what kind of blood they have, they always claimed it, and they were recognized as Cherokees.
- Ques. 20. You don't know that the applicants are Cherokees except from hearsay?
 Ans. 20. That is a hard question to answer. I could not state unless I had been there at his birth to tell where he came from. His father claimed him as a Cherokee, and his grandmother claimed that father was a Cherokee, and his grandmother was a Cherokee and drew a reservation- that is as far as I know about the blood.

his
 Samuel R. x Keys.
 mark.

Endorsed on back as follows:
 "Testimony of Samuel R. Keys
 in behalf of Applicants.

Filed January 4th, 1882,
 D. W. C. Duncan,
 Clerk.

Commission on Citizenship.
Tahlequah, C. N.,
Sep. 14th, 1882.

W. H. Shoemaker, et al
& Jno. W. vs.
Cherokee Nation.

Sept. 14th, 1882.

Judy Riley Keys, the first witness in part of the Cherokee Nation, after being sworn, testifies:

I am sixty-nine years old. I am a citizen of the Cherokee Nation, live in Tahlequah, occupation a farmer.

Q. Sol. Do you know anything about the Shoemaker family?

The first time I saw him was last March 2 years ago. He told me that his name was Shoemaker- that was the first time I had seen him- though I have of the Shoemakers almost as far back as I can recollect.. I have heard the old folks talking of them. I have heard my father and other old men speaking of them, & and that they had claimed to be Cherokees, but had never been acknowledged as such. In conversation with Jo Foreman, he told me that the Shoemakers & Oxendynes had claimed to be Cherokees for a long time, but had never been recognized to be such by the Cherokee people.

The Ct. strikes out the witness opinion that the Claimants have to citizenship not a shadow of right to citizenship.

The following sentence appearing in the original record has been stricken out, per margin:

"From my opinion, they have not a shadow of right to

(Objected)

The defense moves that the witness' opinion be struck out.)

Sol. Did you know the given name of these Shoemakers? No, I did not know their given names, but had only heard them spoken of as Shoemakers and Oxendynes.

Sol. From what part of the old Nation did you come?

A. From Creek Path, North of Alabama.

Sol. Did you know the Creek in that Country called Crow Creek? Yes, I have been there, saw Keys live there.

Sol. Did a family live on that creek by name of Shoemaker?

A. It is my belief that there was. I have heard father speak of them often, as claiming to be Cherokees.

Sol. Did you know a woman by name of Anna Shoemaker?

No, I did not.

Objected to by defense. C.H. Taylor. Did the old folks say of what tribe they were? A. They say they were Kitcha.

Taylor. The statement that you made here is from what you have heard only, is it? Yes, but I believe it to be true, as it was from good men.

Ct. Why did the old folks, or what was the occasion for speaking of these folks?

A. Because they were claiming a right, I suppose. I

Ct. heard the old people speak of these folks both in the old country & in this country.

Riley Keys.

Office of Commission on Citizenship.
Cherokee Nation, Tahlequah, C. W.
September 15th, 1882.

W. H. Shoemaker, et al)
No. 36. vs.)
Cherokee Nation.)

John Ross, after being duly sworn, testifies as follows:

I am fifty-six years old. I live in Going Snake Dist. C.W. My name is John Ross. I am a Cherokee by blood.

Sol. Do you know the claimant, Shoemaker? A. No, I do not know him.

Sol. When you lived in the old Cherokee Nation you have heard of the Shoemakers, have you? A. I have heard of Shoemakers, but as for this man, I have never heard of him.

Sol. The Shoemaker you heard of, was he a white man, or a Cherokee? A. He was a white man.

Sol. Did you ever know or see a woman whose name was Anna Shoemaker? No, I did not know of anyone by the name of Ann Shoemaker. I know some Annas.

Sol. How far did you live from Crow Creek? I do not know where Crow Creek is.

Sol. From what part of the old Cherokee Nation did you come? I was raised on Valley River, but came from Otter (Cheeah) Creek to this country.

Court. Have you no record of names?

A. Yes, I have a record of names, but have no such name on my record as Shoemaker, or it may be that such a name is on the record- the names are nearly all Cherokees, some being the names of whites.

Name signed in Cherokee language.
(John Ross)

John W. Shoemaker,)
at al)
No. 38. vs.) September 22nd, 1882.
The Cherokee Nation.)

John W. Alberty, being produced, sworn and examined in open Court in behalf of the Cherokee Nation.

My name is John W. Alberty, my age is about 48 years, I am a Cherokee, and reside in the Cherokee nation, Going Snake Dist.

According to the statements in the petition, I don't know anything about that the Claimants. I did know a family of Shoemakers. There was a man named Jim Shoemaker. His brother was Tom Shoemaker. Jim Shoemaker married a woman by the name of Oxendine. They lived on the line there near Dutch Town, Washington Co. Ark. They lived there till about the year '58 or '59. They then went from there to California or Arizona. I have not seen them since. They called themselves Portuguese. They were recognized then as being different by the people of the states. They considered them as colored people and refused them the right to vote.

J. W. Alberty.

MR. HUTCHINGS: The Nation now desires to introduce in evidence page 39 of the original record of the Citizenship Commission, which record is now in the custody and control of this Commission, having been turned over to it by the Cherokee Nation, and desires to call attention to the fact that the latter half of the said judgment, beginning with the word "Cherokees" and ending with the word "Cherokees" on the last line, has been erased and rewritten, and that the date, January 23, 1882, has been changed by the erasure of something and the insertion of the date of January 25th.

Attention is further called to the difference in hand writing of all the entries up to and including September 24, 1881, and that all other entries, from that time on, are in the same hand writing, and what purports to be the hand writing of the Clerk, D.W.C. Duncan.

JUDGE THOMAS: We accept the record as we find it, and have no objection to it.

The record is as follows:

Commission on Citizenship.

Tahlequah, C. N., Sept. 10th, 1880.

W. H. Shoemaker,)	
John W. Shoemaker,)	
Case 38. vs.)	Petition for Citizenship.
Cherokee Nation,)	

Continued until January Term, 1881, by Plaintiff.

The above case continued by the Plaintiff until September, 1881.

The above case withdrawn Sept. 24th, 1881.

And on this 4th day of January, 1882, Claimant by leave of the Commission files his new petition, and said case is ordered to be re-instated upon the Docket.

Case continued till Sept. Term by Commission, February 3rd, 1882.

Case submitted by the Claimant Sept. 10th, 1882.

Submitted by the Solicitor October 4th, 1882.

Continued by the Commission till the January Term, 1883. This October 4th, 1882.

And now on this the 25th day of January, A. D. 1883, this case coming on for final hearing, and all the evidence introduced in the case on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission on Citizenship that the above named W. H. Shoemaker and John W. Shoemaker, are Cherokees by blood, and that they are therefore entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. C. W. Duncan,
Clerk of Commission.

Thos. Fokes, Pres. of Com.	
Alex Wolf,) Commis-
T. F. Thompson,) sioners.

MR. HUTCHINGS: We now offer in evidence a motion in the case to reconsider, filed January 12, 1883, in the hand writing of the Clerk, with the names of S. H. Benge and C. H. Tayler signed as attorneys for the claimant, in the same hand writing as the body of the instrument.

JUDGE THOMAS: We have no objection to the admission of the application for re-hearing of the case. We do not admit, however, that it is in the hand writing of the Clerk, in the absence of testimony to that effect, and object to the admission that it is in the hand writing of the Clerk.

BY COMMISSIONER: The document will be filed and made a part of the record.

Motion to reconsider is as follows:

In Commission on Citizenship.

Tahlequah, Cherokee Nation, Jan. 12th, 1883.

John W. Shoemaker,

W. H. Shoemaker,

No. 38. vs.

The Cherokee Nation.)

Motion reconsider.

And now comes the above named Claimants by their attorney, S. H. Benge and C. H. Tayler, and move the Commission on Citizenship to reconsider their final vote taken in the above entitled case, on the following grounds, to-wit:

1. Because the decision was against the weight of the evidence.
2. Because the Commission was not unanimous in its decision rejecting the Claimants.

S. H. Benge,

C. H. Tayler,

Attys. for Claimants.

Endorsed on back as follows:

No. 38.

W. H. Shoemaker,

John W. Shoemaker,

vs.

The Cherokee Nation.

Motion to
reconsider.

Filed January 12th, 1883.

D. W. C. Duncan,
Clerk of Com.

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

MR. HUTCHINGS: Where do you reside? A. Vinita.

Q. What is your post office? A. Vinita.

Q. I here show you page 39 of the record of the Citizenship Commission. Please state whether or not the entries from September 4, 1881, but not including that entry, are in your hand writing.

A. At the top of the page?

Q. No, from there down, (indicating)

A. Yes, that is in my hand.

Q. I further show you a paper in the same case, bearing date January 18th, 1883, and filed that date, with file mark on it bearing your signature. Please state if the body of that instrument and the file mark on the back, and all of it, are in your hand writing or not. A. That, I think, is my hand.

JUDGE THOMAS: At whose instance was that written?

A. My recollection is that the applicants at the time of the ~~trial~~ trial of the case were without any attorney, and if they wished papers to be drawn up they applied to the Clerk, and he courteously accommodated them in every instance.

Q. Are you paid any fee or reward for doing that? Was it an uncommon thing for you to do that?

A. I never received a cent.

Q. Were there instances in which you did work of this kind?

A. Yes sir.

Q. Was it in line of your duty as one of the officers?

A. It was considered so. I never received a cent for it.

Q. Do you know whose hand writing this is, "The above case continued by the Plaintiff until September, 1881," and "The above case withdrawn Sept. 24th, 1881?"

A. That entry was in the docket when I went into the office. This case, I think, had been pending before the Commission a year before.

Q. Is this part of it your hand writing? (indicating upper part)

A. No sir. From there up was on the docket when I made these entries.

Q. It is alleged here that from the word "Cherokees", down to and including the word "Cherokees" had been erased and have been re-written. Can you explain that?

A. It looks like my hand, but I have no recollection of the facts.

Q. Of the change? A. Of the change.

MR. HUTCHINGS: If the applicants, Mr. Taylor, had no attorney, why did you sign the name of Bengé and Taylor as their attorneys.

A. They were represented to me as being their legal attorneys in the case, and that is the only reason their names were signed.

Q. You were there at the trial of the case? A. Yes sir.

Q. You know who the attorneys were? A. They were represented to me as being these gentlemen whose names are appended there, but I do not think either one of them appeared before the court.

Q. Don't you know that Bengé was there the evening the decision was rendered? A. I have no recollection of seeing him there at all. My impression is that he was not there.

Q. Your records showed C. H. Taylor as being the attorney of record for him, don't they? A. I think so.

Q. Can you tell, Mr. Duncan, when the Tehee Court went out of existence, and when the Court composed of Ely Spears, John Lee and Andrew Young and others went in.

A. The Tehee Court had only one session of about thirty days. I think it was in 1883. My recollection does not serve me very distinctly. I think it was in 1883, and I think they sat about thirty days. I think that was the last sitting of the Commission, and when the next Commission came into office I have no knowledge.

Q. Then the Teehee Court did not sit for 1883 at all, did it?
JUDGE THOMAS: They sat about thirty days. This judgment was January 1883.

Q. I mean for the year 1883? A. I don't think they did.

Q. The Spears Court sat along in November, 1883, didn't they? I mean sometime in the latter part of 1883? A. I can't say.

Q. Were you the Clerk of the Spears Court at all? A. No sir.

Q. Did you ever make any entry of the rejection of the Shoemakes to which this man refers? A. No sir.

JUDGE THOMAS: Does this record properly represent the judgment of the Commission in the case of William H. Shoemake and John W. Shoemake? A. It does.

Q. Is this a proper record, rendered by that Commission?

A. Yes sir.

Q. You are acquainted with William H. Shoemake and John W. Shoemake?

A. I was not well acquainted with John W. Shoemake. The signature of the judges, except Thompson, was signed by my hand, because of the fact that they were Cherokees and could not write English. Mr. Thompson signed his own name, and I signed for the other two judges.

Q. By their direction?

A. Under their direction and right in their presence.

MR HUTCHINGS: Do you mean to state, Mr. Duncan, that that name of Mr. T. F. Thompson is not in your hand writing? A. It is not. . It is in Mr. Thompson's hand writing.

Q. Isn't it erased, the original hand writing there?

A. That erasure, I know nothing about those erasures.

Q. You say that is in your hand writing? A. It is not in my hand.

Q. I will ask you this question. It seems you were only authorized to sign his name when he was not there?

A. No, I invariably signed in the presence of the Commissioners, by their authority.

Q. And when Mr. Thompson was there, he always signed his own name?

A. That was the rule.

Q. Look on page 98, and see if that is Mr. Thompson's signature there? A. I am not prepared to say whether it is or not.

Q. That is in your hand writing, manifestly?

A. No, that is not mine. There is mine (indicating) My recollection is not distinct. It may be Judge Thompson authorized me to write his name.

JUDGE THOMAS: I think about half the time you signed it, and the other half he signed it himself. Would you have signed these names without authority? A. No sir, they were always signed in the presence of the Commissioners.

Q. By their authority? A. By their direction.

MR HUTCHINGS: Your records never show whether the judges were present or absent, as to any particular case?

A. I do not recollect as to that. My impression is that there was no action had unless the entire bench was present.

MR. HUTCHINGS: We desire to introduce in evidence page 146 of the record of the Citizenship Commission, in case No. 139, the case of Elizabeth Gillis, Antoine Gillis, Annalina Shoemaker, Allis Shoemaker and Matilda Gillis, the entries up to and including January 23rd being in the hand writing of D. W. C. Duncan, and from and including September 26th, 1883, being in the hand writing of Wm. Eubanks, Clerk pro tem.

JUDGE THOMAS: We object to the introduction of the testimony, because it is not connected with this case.

MR. HUTCHINGS: The Nation admits that it is not already connected, but we will connect it afterwards.

JUDGE THOMAS: We object to it on the ground that it is not calculated to throw any light on the case, inasmuch as it is in a case of a family having the same name, but not in any way related to the applicants in this case, and was based upon evidence which was not in any way connected with them. Therefore we object to the testimony.

BY COMMISSION: The objection of the attorney for the applicant will be noted. Same will be filed and made part of the record and considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

Office Commission on Citizenship.

Tahlequah, Cherokee Nation, September 19th, 1882.

No. 139.

Elizabeth Gillis (wife)
Antoine Gillis (husband)
Annalina Shoemaker,
Allis Shoemaker,
Matilda Gillis,

vs.
The Cherokee Nation.

Wilson Sanders, Solicitor) For the
H. C. Boudinott,) Nation.

C. H. Taylor,
Atty. for Claimants.

Petition filed September 19th, 1882.

Continued by consent of parties to the January Term, 1883, this October 4, 1883.

Continued on motion of Claimant January 23rd, 1883.

Case submitted by Claimant Sept. 26th, 1883.

" submitted by Solicitor Sept. 26th, 1883.

And now on this the 1st day of October, A. D. 1883, this case coming on for final hearing, and all the evidence in the case on both sides being carefully read and duly considered, it was decided by the Commission on Citizenship that the Claimants Elizabeth Gillis, Antoine Gillis, Annalina Shoemaker, Allis Shoemaker and Matilda Gillis, are not Cherokees by blood and are therefore not entitled to Cherokee citizenship within the Cherokee Nation.

Thos. Teebe, Pres. Com.

Alex. Wolfe) Commis-

T. H. Thompson) sioners.

Wm. Eubanks,
Clerk Com.
Pro tem.

MR. HUTCHINGS: We introduce likewise a similar record, page 258 on the same record, in the case of J. D. Shoemake and children. He is the son of Elizabeth Shoemake, the sister of W. H. Shoemake.

JUDGE THOMAS: We object to the introduction of this testimony, inasmuch as it is not verified in any way, there is no foundation laid to show who made this entry on this docket. It is not signed either by the Commissioner or by the Clerk, nor verified by any seal. It appears to be a memorandum, made in different hand writings at different times, without showing who made it, or that it was made by authority of anyone.

BY COMMISSIONER: The objection of the attorney for the applicant will be noted. The record will be introduced and considered for what it is worth.

JUDGE THOMAS: The attorneys for the applicant except.

MR. HUTCHINGS: It is admitted that the docketing of the cases on pages 257 and 258 is in the hand writing of John Adair, who was the Clerk of the Ely Spears Citizenship Commission Court, is it?

JUDGE THOMAS: It is denied that the memorandums or orders in each case were made by the Clerk of that Court, or are in the hand writing of Adair.

The record, page 258, is as follows:

Office Commission on Citizenship.
No. 35. Tahlequah, Cher. Na.,
Sep. 10, 1884.

J. D. Shoemake, Father,)
John H. Shoemake, child,)
Hannah E. " ")
Cyrus C. " ")
Richard E. " ")
vs.)
Cherokee Nation.)

Filed Sep. 10, 1884.

K. G. Boudinot, Jr., Atty.

Ready Sep. 11. Pas by Solicitor.
Submitted by Claimants, Sep. 11.

Passed indefinitely,

Referred to Council.

MR. HUTCHINGS: We now offer in evidence the original document transmitting these cases, in accordance with the order of the Chief, signed by the Commissioner, and attested by the then Clerk, G. O. Frye.

JUDGE THOMAS: We object to the introduction of this testimony, as being in no way connected with the case in controversy, as not being with the consent or by the authority of the claimants in this case, as not having been identified as part of the record in this case; as calculated to confuse rather than elucidate the facts in this case, and as not responsive to any issue in the case.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the testimony offered will be noted. The document will be made part of the record and considered for what it is worth.

JUDGE THOMAS: We except to the ruling.

The document transmitting the cases is as follows:

Office Commission
On Citizenship.
Tahlequah, C.N.

Hon. D. W. Bushyhead,
Principal Chief, C. N.

Dear Sir:

In the case of W. C. Shoemaker, et al and J. D. Shoemaker, et al, vs. the Cherokee Nation, petitions for citizenship in the Cherokee Nation, W. C. Shoemaker claims to be the son of one W. H. Shoemaker, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Teehee Commission on the 25 day of January, 1883. And J. D. Shoemaker, et al, who claims to be the son of Betsey Ann Shoemaker, who was a full sister to J. W. Shoemaker and W. H. Shoemaker, who were admitted to citizenship in the Cherokee Nation, by the Thomas Teehee Commission on the 25 day of January, 1883. The Commission, after a careful examination of the evidence in the said cases of W. C. Shoemaker and J. D. Shoemaker, decide that inasmuch as the docket and records of the said Thomas Teehee Commission show that said J. W. Shoemaker and W. H. Shoemaker were admitted to all the rights, privileges and immunities as other native born Cherokees within the limits of the Cherokee Nation, on the 25th day of January 1883. The Commission finding the above mentioned cases upon the said records of the said Teehee Court or Commission as above stated, could not legally decide to reject the said cases of W. C. Shoemaker, et al and J. D. Shoemaker, et al.

But at the same time, believing that said W. C. Shoemaker, et al and J. D. Shoemaker, et al, are not Cherokees by blood, and that the said J. W. and W. H. Shoemaker, whose respective cases were decided by the Thomas Teehee Commission on the date above mentioned, was a fraud committed upon the nation by the said parties, we would therefore ask, and recommend, that the said cases of J. W. & W. H. Shoemaker, be reinvestigated by the National Council, Believing that the said J. W. & W. H. Shoemaker obtained their rights through fraud. We would also refer the cases of W. C. Shoemaker et al and J. D. Shoemaker et al to the National Council.

We remain, very respectfully,

(Eli Spears, President
(Andrew Young, Com.
(John Lee, Com.

Attest, C. O. Prye)
Clk. Com.)

This the 27th day of September, 1884.

It is admitted that Wilson Sanders, whose testimony is to be hereafter introduced, is dead.

MR. HUTCHINGS: The Nation here introduces the testimony of Wilson Sanders, who is now dead, as before admitted, taken in the case of J. D. Shoemaker and W. C. Shoemaker, while pending before what is known as the Eli Spears Citizenship Commission, the applicants in that case being nephews of W. H. and John W. Shoemaker, and claimed Cherokee blood from the same source with them, being sons of their sister.

JUDGE THOMAS: We object to the introduction of this testimony, first, because it is not a part of the record in this case. Second, because it does not relate to this case, nor throw any light upon the proceedings in this case, but refers to another case entirely.

Third, because it pretends to give hearsay testimony.

Fourth, because it is not shown when this was executed; it is not shown that it was executed by Wilson Sanders; it is not shown that it was ever filed in this case or any other, and we therefore protest against it.

And further, at the date this affidavit is alleged to have been made, neither of the applicants in this case were present or had any knowledge of its execution, or were afforded an opportunity to cross examine the witness.

The paper offered in evidence is admitted to be a paper found among the papers in the case of J. D. and W. C. Shoemaker, who were applicants for citizenship before the Spears Commission a little less than two years after the applicants here were admitted to citizenship, but are not parties to this controversy.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the statement of Wilson Sanders, introduced by the attorney for the Cherokee Nation, will be noted, the statement filed and made part of the record, and considered for what it may be worth.

JUDGE THOMAS: The claimants except.

~~MR. HUTCHINGS: We desire to introduce this evidence.~~

The statement of Wilson Sanders is as follows:

Office Commission
On Citizenship.
Tahlequah, C. N.

In the case of J. D. Shoemaker
and W. C. Shoemaker, vs. the
Cherokee Nation.

Wilson Sanders being introduced and sworn in open Court states as follows:
My age is 43 years. I reside in Tahlequah, C. N. My P. O. address is Tahlequah.

I was solicitor of the Citizenship Commission at the time W. H. & John W. Shoemaker were admitted by to citizenship, Tom Teehee, President, Alex Wolf, Tom Thompson composed the Commission on citizenship. They were rejected first by the Commission and afterward admitted? They were admitted during the same term that rejected them, if I'm not mistaken. I can't state just how long afterwards. I can't remember what the grounds was that the Commission gave them a re-hearing. I don't think they notified me of the fact that they were going to reconsider the case again. There was no more new evidence

produced in the case after I submitted it the first time. They did not ask me to resubmit the case again on part of the Nation. They just said that they were going to reconsider the case again. There were no arguments made in the case after it was taken up the second time. It was on the 25 day of January that the case was decided. There was evidence introduced in the case after the first time. The first decision made by the Commission was adverse to the claimants.

I heard that they were to reconsider the case, they didn't ask me to introduce any more evidence. It was about two weeks or so after the claimants was rejected when their case was reconsidered and they were admitted.

Wilson Sanders.

Sworn and subscribed before me
on this the 29/34.

D. O. Frye, Clk.
Com. Citiz.

MR. HUTCHINGS: We desire to introduce in evidence the original record in the applications for citizenship in the case of James D. Shoemaker, who is a nephew of W. H. Shoemaker and John W. Shoemaker, the applicants before the Commission, and is the same case that was referred to the Council by the Spears Court; and also the judgment in this case, recorded in the original citizenship records now in the custody of the Commission, found on page 51 of that record.

JUDGE THOMAS: To the introduction of which the claimants object on the ground that they were papers filed two years after the judgment in favor of these claimants rendered by the Teehee Commission; do not relate in any way to the question involved in the case in controversy; are not responsive to any issues raised; were not made by the claimants in this case, or with their advice or consent, and are incompetent testimony in the case.

BY COMMISSION: The objection of the attorney for the applicant to the introduction of the record will be noted, the record will be filed and considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

follows:

The record is contained in an envelope endorsed as

Name, James D. Shoemaker

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address, Webbers Falls, C. N.

Age, 36 years
1855 to 1858 Roll of 18...

Ancestress Annie Shoemaker

Filed the 30 day of August

Docket 336, Book B. page 51

Testimony on Record--Page 439 to 441.

Decision of Commission, Rejected.

25th day of Oct. 1888.

See Decision in Book

"B" page 51.

APPLICATION FOR CITIZENSHIP.

---101---

TO THE HO NOBABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit: That James D. Shoemaker is the Grt. Grd. Son of one Annie Shoemaker, and grand son of John A. Shoemaker & son of Betzie A. Shoemaker, who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1836-46-51 & 52 Old Settles. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 36 years: Postoffice Webbers Falls, I.T., family with their relationship attached is as follows:

No.:	Names	Sex	Age	Relationship.
1	John H. Shoemaker	Male	15	Son
2	Anny B. Shoemaker	Female	13	Daughter
3	Cyrus D. Shoemaker	Male	8	Son
4	Richard E. Shoemaker	"	5	"
5	Marion F. Shoemaker	"	2	"

In witness of which application I hereunto set my hand on this the 19th day of August, 1887.

James D. Shoemaker

Boudinet & Ramus, Attorney.

James D. Shoemaker

vs.

Cherokee Nation.

Office Com. on Citizenship.

Tablequah, I. T., Aug. 3-88.

James D. Shoemaker, who first being duly sworn in the matter of the identification of his children says: I am 36 years old. I am the applicant in the above case. I have 6 six children- 5 named on the application- named: John Henry, Annie Eliza, Cyrus Daniel, Richard H., & Marion Fredrick Shoemaker, aged respectively 16-14, 10, 8 and 3 years. They are all at home- in Canadian Dist. C. N.

Cross Ex.

All of the above named children are the offspring of myself and present wife. My wife's maiden name was Angeline Barker, sometimes called "Lina." She had a family before I married her. I was born in Jackson Co. Ala. I left there in 1886. I think my grandfather, John A. Shoemaker, who died in Jackson County, Alabama, must have died a year or so before I was taken away from there.

Attest:

Germell Rogers,

Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
James D. Shoemaker
in case
James D. Shoemaker
vs.
Cherokee Nation.

James D. Shoemaker,
vs.
Cherokee Nation.

Office Com. on Citizenship.

Tablequah, Ind. Ter., Aug. 3-88.

W. H. Shoemaker, who being duly sworn, upon his oath states: I am 63 years old, and a resident of Canadian Dist. and a citizen of the Cherokee Nation by blood.

I am acquainted with the applicant, James D. Shoemaker, he is now residing in Canadian Dist., C.N. I have known him ever since he was a child, his mother was a sister of mine, her father and mother were, as also mine, John A. & Elizabeth Shoemaker. My father was recognized as a Cherokee by blood.

James H. Shoemaker derives his Cherokee blood from his mother, Betty Ann Shoemaker, and she from her father John A. Shoemaker. My father use to live in what is called Jackson County, Alabama.

My sister, Betty Ann-Elizabeth- recognized James D. Shoemaker as her son. I recognize him as my nephew, he is about 37 or 38 years old. I am acquainted with his family, his wife names Lina, a white woman, the children are John, Annie, Jack, Richard & Frederick Shoemaker, and infant name not remembered, aged respectively about 16, 14, 12, 8 and 3 years.

Cross Examination.

The applicant James D. Shoemake, was born in Jackson Co. Alabama. He was born after I left Alabama, I left there in 1849. The first time that I saw him he was about 5 years old, his grand mother, Eliza Shoemake, brought him to Texas. She recognized him as being the son of Betty Ann Shoemake and her grandson. I don't know who the father of James D. Shoemake was, he, James, took the name of his mother. The wife of James D. Shoemake was a white woman and her maiden name was Lina Barker. She had no family before she married the applicant. The children above mentioned as James D. Shoemake are full brothers and sisters. The mother of applicant has been dead, I expect, about 30 years. She died in Alabama on the old reservation in Jackson County, I never saw my sister Betty Ann or Elizabeth, after the applicant was born. She wrote me concerning him previous to her death.

Re-direct-Ex.

I was recognized a citizen of the Cherokee Nation on the 5th day of January, 1883. I held the office of Circuit Judge of the Southern Judicial Dist. of the Cherokee Nation.

Attest:

Cornell Rogers,

Clk. Com. on Citizenship.

Endorsed as follows:

Testimony of
W. H. Shoemake,
in case
James D. Shoemake
vs.
Cherokee Nation.

James D. Shoemake,

vs.

Cherokee Nation.

Office Com. on Citizenship,

Tablequah, Ind. Ter., Aug. 4-88.

J. W. Shoemake, who being duly sworn, upon his oath states: I am 54 years of age. I live in Canadian Dist. C.W. I am a Cherokee citizen by blood. I am acquainted with James D. Shoemake the applicant. I first knew him in Alabama, when he was a child in Jackson County, in the Old Cherokee Nation. He is now about 36 or 37 years old. His mother was my sister, Betty Ann Shoemake. She was a Cherokee. She derived her Cherokee blood from her father, John A. Shoemake, and he from Annie Shoemake, his mother. James D. Shoemake the applicant is now residing in Canadian Dist. C.W. His mother is dead. She died in, I reckon, about the year 1858. She had other children that were living the last time I heard of them. Betty Ann's proper name, the mother of applicant, was Elizabeth Ann. James D. Shoemake who is now here is the applicant in this case. I have brothers in the nation. W. H. Shoemake, now present, is my brother. I recognize James D. Shoemake, the applicant, as the son of my sister Betty Ann, and my nephew.

Cross Ex.

When I spoke and said Betty Ann had other children than James, the applicant, one was older and one was younger, both were boys. One was named John and the other George Shoemaker. These two boys, John & George Shoemaker, were living in Texas the last I knew of them.

Re-Direct.

I did not know the father of the children of Betty Ann's children- James B. John & George took the name of their mother, Shoemaker.

Attest

Connell Rogers,

Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
J. W. Shoemaker,
in case
James B. Shoemaker,
vs.
C. H.

Office Commission on Citizenship,
Tahlequah, C. H.

In the matter of J. B. Shoemaker's application for Citizenship, D. W. Bushyhead, being introduced and sworn state as follows: My age is _____ years. I reside in Tahlequah and my P.O. address is Tahlequah. I never knew any Shoemaker that were Cherokee by blood. I knew a lot of Shoemakers that lived in Cal. They went from Scott Co. Ark to California, and in that country they claimed to be Cherokees, but they were darkies. They claimed to be Cherokees among the white people there who didn't know them, but to me they did not claim it, because I knew them. There were Shoemakers who made application in 1840 or 41 for citizenship, and were rejected and moved back into Arkansas. There were two families, Oxendines and Shoemakers who claimed to be Cherokees, but their hair was kinky, and at that time there I understood there was a law in Arkansas that no free negroes could live in Arkansas, and they moved to California. John Ross was chief of the Cherokee Nation at the time they made their application, and if I'm not certain, my recollection is, Wm. Ross Elk of the Committee, and they were rejected by Council and out of the country. It was before the Council that they were rejected. As well as I remember, there was twenty or thirty of the two families who claimed to be Cherokees, when I knew them in California. And if the Court wishes I can get the affidavit of a man who was a member of the Committee when they were rejected.

D. W. Bushyhead.

Sworn and subscribed before me this the 25 Aug/84.

21 C. C. Frye.

Jas. D. Shoemaker.
Office Commission on Citizenship.
Tahlequah, C. F., Aug. 30th, 1887.

Docket No.:	Names.	Age	Sex	Post Office	Atty.
1	Jas. D. Shoemaker	36	Male	Webbers Falls, I.T.	
2	John H. Shoemaker	18	"		
3	Annie E. Shoemaker	13	Female	Applicants	
4	Cyrus D. Shoemaker	8	Male	for Cherokee	
5	Ric'd. E. Shoemaker	5	"	Citizenship	Boudinot &
338	Marion F. Shoemaker	2	"		Patterson
				Census Rolls	
	vs.			1835-42-51-52	
	Cherokee Nation.			Ancestors	
	filed Aug. 30th, 1887			Annie Shoemaker.	

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

James D. Shoemaker, et al } Tahlequah, Oct. 25th, 1888.

vs.

Cherokee Nation.

Now on this, the 25th day of Oct. 1888, comes the above case up for final disposition, it having been submitted by plaintiff's attorney, N. C. Boudinot, Jr.

The application, as well as the testimony in this case, alleges one Annie Shoemaker as the Cherokee ancestor of the applicants, and that she was of Cherokee blood, and that her name will appear on some of the rolls of Cherokee, East.

We, the Commission on Citizenship, have carefully examined the rolls laid down in the 7th Sec. of the law of Dec. 8th, 1884, in relation to citizenship, for the name of Annie Shoemaker, but fail to find the name enrolled thereon in any shape, though it is in proof that these parties were in Jackson County in the State of Alabama, up as late as the year 1864. The testimony of V. H. Shoemaker, who is Judge of the Southern Judicial District of the Cherokee Nation, and Uncle to the applicant, James D. Shoemaker, who is the son of Bettie Ann Shoemaker, who was the full sister of V. H. Shoemaker, goes to show that he was re-admitted to citizenship in the Cherokee

Nation on the 8th day of January, 1883, by the Tahoe Commission on Citizenship, and that he now holds the office as Circuit Judge, as stated, of Canadian Dist.

In the absence of the rolls of 1840, 1851-1855 and 1868 of Cherokees taken in the Old Cherokee Nation in the State of North Carolina, Tennessee, Georgia and Alabama, containing the name of the ancestor, Annie Shoemake, or that of the applicants themselves, we cannot grant citizenship to these applicants, for the law says, "such applicant must be a person, or the lineal descendant of a person, whose name appears on the census rolls of Cherokees taken by the United States after the treaty of 1838" and before mentioned, which in this case is clearly shown that they do not. We are of the opinion, therefore, that this case is enshrouded in some way, that we cannot find out, just how it is, and if Cherokees, as some would naturally suppose from the fact that some of this family had proven to the satisfaction of the Tahoe Commission in 1883 that they were, that their names should appear on some of the rolls of Cherokees already mentioned, and as other Cherokees names do, who were living in Alabama at the same time these parties were. James D. Shoemake and his five children, namely: John H.- Anny E.- Cyrus D.- Richard E. and Warlen F. Shoemake are not Cherokees under the law of Dec. 8th, 1886 in relation to citizenship, consequently not citizens of the Cherokee Nation.

J. F. Adair, Chairman Commission,
D. W. Lipe, Commissioner,
H. C. Barnes, Commissioner.

MR. HUTCHINGS: We offer in evidence the original record in the citizenship case of ~~John~~ L. Shoemake and others, descendants of W. H. Shoemake, and the judgment of the Citizenship Court, found on page 464 of the record hereinbefore referred to.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tahoe Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissible as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and same will be considered for what it may be worth. To which ruling of the Commission the ~~attor~~ claimant by his attorney then and there accepted.

The record is as follows:

The record comprises the contents of an envelope containing the following endorsement:

241.

Name Alma L. Bell & Eddy CO
Shoemaker.

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address.....

Age 9-7-4 years.....

1885 Roll of 18...

Ancestor, W. H. Shoemaker.

Filed the 29 day of Sept. 1887.

Docket 748 Book B, Page 464.

Testimony on Journal, --Page....

Decision of Commission, Rejected:

15th day of Sept. 1887.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned your petitioner, this day makes his Application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this their application, to-wit: Alma, Leler Bell, Eddy C. Shoemaker is the grand children of one W. H. Shoemaker, Circuit Judge of Canadian Dist. who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1885. The undersigned hereby presents the above facts as the lawful grounds for this their application for Cherokee citizenship by blood, and respectfully awaits the time when their application shall be truly heard and tried in accordance with the aforesaid law.

Age 9-7-4 years; Postoffice; family with their relationship attached is as follows:

Names.	Sex	Age	Relationship.
Almer Shoemaker	Female	9	Grand children of
Leler Bell "	"	7	W. H. Shoemaker.
Eddy C. "	Male	4	"

In witness of which application I hereunto set my hand on this the 26 day of Sept. 1887.

C. H. Taylor, Attorney.

W. H. Shoemaker, guardian for
grand children.

Alma Shoemake,
Leler Bell Shoemake, and
Eddy C. Shoemake

vs.

Cherokee Nation.

Office Com. on Citizenship.

Tahlequah, Ind. Ter., Aug. 3rd, 1898.

W. H. Shoemake, who first being sworn, upon his oath states as follows: I am 63 years old, am a citizen of the Cherokee Nation by blood, and live in Canadian Dist. The above applicants in this case are my grand children, they are my son's children., their ages, are, Alma, about 8 years old, Leler Bell about 6 or 7, and Eddy C. Shoemake about 5 years old. They now live in Sebastian County, Arkansas. They derive their Cherokee blood from their father W. C. Shoemake, and he from his father, W. H. Shoemake/ myself, and I from my father John A. Shoemake. I have been taught that he, John A., derived his Cherokee blood from Annie Shoemake, her husband was John Shoemake, a white man. John & Annie Shoemake had but one child that I know of, named John A. Shoemake, my father. My grand father and father lived in the State of Alabama, Jackson County, in the fork of the Crow Creeks. I was told that under the treaty of 1817 my parents took this home as a reservation and lived on it and cultivated it. I left there in the year 1849, and I heard that the Government took possession of this place some time between 1850 and 1855. I disremember who bought the place from the Government, if I ever knew, but they dispossessed my folks. There were two men living on the place or near the place, named J. S. and John C. Caperton at that time, I think grand father was dead. My parents employed the Capertons to bring suit against the Government/ they were to give those Capertons 1/2 of the reservation, should they win the cause. We, through them the Capertons, gained to the land and was placed in possession of it. My people then sold out our interest to Capertons and my brother, Eli Shoemake, asked me to make him my agent, through a Power of Attorney, to sell my part and do for me as if I was present. I received a consideration for my interest in those lands. My folks were living on this place from 1835 to about 1851.

The name of John A. Shoemake should appear on the Rolls of 1835 and other Rolls of Cherokees. I am acquainted with William L. Shoemake, an applicant before this Commission, he is a nephew of mine and a son of my brother, Eli Shoemake. He, the applicant, is now living near Kingston, Hunt County, Texas, he is between 30 and 35 years of age. I don't know his children.

Cross Examination.

I was admitted to citizenship in this Nation on the 5th day of January, 1893. This was before what is known as the "Tahoe Court." The wife of John Shoemake, my grandfather, whose name was Annie, was I have been informed, named "Bone," or this was her maiden name. I desire to say, when I speak of John Shoemake as my grand father, my information is that he was my step grand father, and not my own grand father as an ancestor. I understand that my father took his name, Shoemake, as such from John Shoemake, my step grandfather. I have no knowledge of the real name of my grand father's real name on my father's side. I don't claim Cherokee blood for my family from any other source than Annie Shoemake, the wife of John Shoemake, my step grand father. When I said the Government took possession of the place before mentioned, I meant the U. S. Government took possession of this reservation.

I went to Eastern Texas, Cass County, when I left Alabama in the fall of 1849. The Shoemakes were living in the State of Alabama, Jackson County, as late as the year 1854. My mother was a white woman, she had no family before she married my father. William L. Shoemake's mother was a Stewart, a white woman, she had no family

before she married William's father, Eli Shoemaker. The mother of Alma, Lela Bell & Edy O., heretofore mentioned, was a white woman, whose maiden name was Windsor. She had no family before she married my son, W. O. Shoemaker. I don't know that my folks that were left in Alabama participated in the per capita of 1851 and 1852 or not. I did not. I was in Texas at this time.

By the Court:

I have heard that Annie Shoemaker, nee Bone, was a half breed Cherokee.

Re-Cross-Ex.

I never saw the original patent granting the reservation heretofore spoken of to John Shoemaker, my step grand father. My understanding is that John Shoemaker took this reservation in right of his wife. If the reservation was in the name of John Shoemaker, in his own name and not in right of his wife, he, John Shoemaker, was not a Cherokee, as before stated. I don't know whether it was a fee simple or life estate patent that was given John Shoemaker as a title to the reservation before spoken of.

Re-direct-Ex.

When I lived in the State of Alabama I was not required to work on the public roads, was not compelled to pay Poll Tax, and was exempt from military duty, by law. So was my father, and my father and myself were not allowed to testify as a witness as against a white man in the Courts.

Re-Cross-Ex.

I think we were compelled to pay tax on our lands.

Attest:

Cornell Rogers,

Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
W. H. Shoemaker,
in case
Alma Shoemaker, et al,
vs.
C. H.

State of Missouri, }
Pulaski County. } ss.

I, John A. Smith, being first duly sworn, on his oath deposes and says his name is John A. Smith. I reside at present in Pulaski County, State of Missouri, my age is 58 years. I was born in Seecochee Valley, State of Tennessee. I have always been taught and believe that James Smith, he was by his Cherokee neighbors called Buck Smith was my Father and his wife Polly Smith, nee Maiden name was Polly Wendine was my Mother, and unto them was born while living together as husband and wife, Harvey, Loucinda, Martha, Emily Charity, John A., Mary, Rosay, the within named all bore the name of Smith. Loucinda married twice. I knew both her husbands, and

their children first husband Uria Bolton, they lived as husband and wife and unto them was born 2 girls, first Margriet A. Bolton, now known as Margriet A. Puffer, and Vicy I. Bolton, now known as Vicy I. Brown; then Louinda married Duncan McDonald and to them was born children now living, 2 boys, first W. W. McDonald, T. K. McDonald, 2 girls, Louisa and Sarah he bore the name of McDonald, Mary Smith married a Harmon and is now known as the widow Harmon, and has five boys he bore the name of Harmon. Henry Smith is married to B. Luster and now bears the name of Henry Luster, they have born to them 4 children he bears the name of Luster 3 boys one girl. The deponent John A. Smith has been taught that Jordan Smith was his uncle and Anny Smith was his aunt, and that John Shoemaker, or ball Jack as his neighbors called him was his uncle, and his grandfather's name Sanders Smith, his grand mother Anny Smith and her maiden name Anny Shoemaker. Deponent further states that he understands and believes that he is a Cherokee Indian by blood decent from his father James Smith or Buck and that he makes this statement for the purpose of showing his legal decent and right to Cherokee citizenship. My first daughter living Mary age 22 Ann Smith age 22 now known as Mary Ann Barnshaw, they have 2 boys bearing the name of Barnshaw, given names Alford Anderson, age 7 years, John Franklin, age 4 years, Rebecker Ellender Smith aged 26 now known as Rebecker E. Stroup, children none to date. William Harry Smith aged 20, Mary Sophiar Isibell Smith, aged 12 years, Sarah Ellen age 10 years, John C. Smith, 20 years, Peter W. Smith age 15 years.

his
John A. X Smith
mark

Witnesses:
Richard Puffer &
V. B. Hill.

State of Missouri, }
County of Pulaski. } ss.

Sworn and subscribed to before me on this 24th day of May, 1888, and I certify that all the foregoing statements were fully and carefully read over and explained to said affiant Jno. A. Smith by me before he took the oath of and affixed his signature, and that he is entitled to full credit.

(Seal)

Ed. Williams,
Clerk County Court.

Endorsed as follows:

Affidavit of
John A. Smith.

Case of Alma L. Bell & Edy C. Shoemaker.

vs.

Cherokee Nation.

Mark Bean, introduced on part of the Nation, & testified as follows:

I am 46 yrs. old I reside in Coing Snake District. I knew three families that lived near Dutch Mills, Washington County, Ark. Their names were Popes, Oxendines and Shoemakers. They left there in the year 1838 or 39, & went out in some of the Western Territories. They left Arkansas because they had either chosen "Master," or leave the State under the law of Ark.

Attest:

D. S. Williams,
Asst. Clerk.
Sept. 11th, 1839.

Endorsed as follows:
Testimony of Mark Bean, in
case of
Shoemakers.

Alma L. Bell
& Edy C. Shoemaker,
vs.
Cherokee Nation.

Office Commission on
Citizenship, Sept. 12th, 1839.

Dennis W. Bushyhead, who after being duly sworn, states as follows: I am 63 years of age. Live at Tahlequah, Cherokee Nation.. I don't know of any Cherokees by the name of Shoemaker. When I was in California there was a family of Shoemakers and Oxendines that lived in one neighborhood who claimed to be Cherokees. That was in Calveras County. They came to that country from Sebastian County, Arkansas, and looked like darkies to me. Some of them were nappy headed.

Cross Examination.

I knew these people in California in the years 63 and 65. Don't remember any of their given names. Never heard any of them say they lived in Alabama. In the year 1839 or 1840 I heard of people by this name applying here as Cherokees, but they were rejected.

Attest:

E. G. Ross,

Clerk Commission.

Endorsed as follows:
Testimony of D. W.
Bushyhead in case
of Alma Bell & Edy
Shoemaker,
vs.
Cherokee Nation.

ALMA L. RHEEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

TABLEQUAH, C. H. OCT. 1, 1887.

Docket No.	Names.	Age	Sex	Post Office	Attorney.
1	Alma L. Rheemake	9	Female		
2	Lelia Bell Rheemake	7			
748	Eddy C. Rheemake	4			
				Applicant for Cherokee Citizenship.	G.H. Taylor
	VS.			Census Rolls.	
	Cherokee Nation.			Ancestor.	

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tablequah, September 13th, 1889.

Almer Rheemake

Leler Belle Rheemake

Eddy C. Rheemake

VS.

The Cherokee Nation.

Application for Cherokee Citizenship.

The application in the above case was filed the 29th day of September, 1887, by Wm. H. Rheemake as Guardian. It alleges that the before named persons aged respectively 9-7-4 years are the grand children of the guardian Wm. H. Rheemake, Circuit Judge of Canadian District, whose name will be found on the census roll of Cherokees by blood taken and made by the United States in 1885. The witness in support of the application is the guardian himself, who was admitted to citizenship the 5th day of January, 1888, by the Commission known as the "Tolson Court." Judge Rheemake swears before the "Adair Commission" on citizenship August 2nd, 1888 that they are the children of W. C. Rheemake from whom they derive their Cherokee blood, and he from his father, who is the witness and the grand father of the applicants, who reside in Sebastian County, State of Arkansas. He also states that he has been taught that he himself derives his Cherokee blood from his father John A. Rheemake, and he from his mother Anna Rheemake nee Anna Bone, whose husband was John Rheemake, the step-father of John A. Rheemake, who was a white man. And that John Rheemake took a reservation under the

Treaty of 1817, on Crow Creek, in the County of Jackson and State of Alabama, and lived on and cultivated it, but understood that the Government took possession of it between 1850-55, but that it was recovered through J. O. & J. C. Caperton, and he subsequently received some consideration for it himself, and that his folks were living on this place from 1835 to about 1851. The witness went to Eastern Texas in 1849, and the Shoemakes were living in Jackson County, Alabama, as late as the year 1854. The mother of the applicants was a white woman whose maiden name was Winden, and that of their grand mother Stewart, who was also a white woman. The statements of the witnesses on the part of the Nation are not pertinent to the case, because they fail to connect the family of the applicants with the persons to whom they refer.

While the admission of W. M. Shoemake to citizenship by the "Tahoe Court" is conclusive as far as he himself is concerned, this Commission is governed necessarily by the laws under which it was created and is now acting. Although living on the immediate line if not actually in the Cherokee Nation East of the Mississippi River in 1835, the name of Wm. M. Shoemake is not found on the Census roll of Cherokees taken in that year, nor in 1840, 51, 52 nor in 1855, which is referred to in the application, although not enumerated in the Acts creating this Commission. Nor is the name of any other Shoemake, or that of Annie Shoemake or Annie "Bone" found on said rolls. The Commission therefore render a decision against the claimants as having failed to establish their right to citizenship in the Cherokee Nation.

(Signed with the interlineation, "or that of Annie Shoemake or Annie 'Bone'")

Will P. Ross,
Chairman.

J. H. Gunter, Com.

MR. HUTCHINGS: The Nation introduces the record in the case of Altha J. Shoemake and Bulah Shoemake, and the judgment in that case, found in the citizenship records heretofore referred to, on page 40.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered by the Indian Commission five years after the judgment rendered by the Tahoe Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissible as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

Endorsement on envelope containing record as follows:

(William L. Shoemaker.)

Name Altha J. Shoemaker.

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address Kingston, Texas.

Age 11 years,.....

1835 to 1852 Roll of 18...

Ancestors Eli Shoemaker

Filed the 19 day of August

Docket 327, Book B, Page 40.

Testimony on Record Page 144.

Decision of Commission Rejected.

2nd day of May, 1889.

1st Calling &
Submitted by
both parties May
2nd, 1889.

APPLICATION FOR CITIZENSHIP.

-----:01:-----

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for readmission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That William L. Shoemaker is the son of one Eli B. Shoemaker, who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-48-51-2 & Old Settler Roll. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with their relationship attached is as follows:

No.:	Names	Sex	Age	Relationship.
1	Altha J. Shoemaker	Female	11	Guardian
2	Bulah B. Shoemaker	"	8	"

In witness of which application I hereunto set my hand on this the 18 day of August, 1887.

William L. Shoemaker,
Guardian for
Children.

C. H. Taylor, Attorney.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 2nd, 1899.

Altha J. Sheemake

vs.

Cherokee Nation.

Application for Cherokee
Citizenship.

Now come on this day for the final hearing of the above entitled case, the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application, relying entirely on his application, therefore the Commission renders a decision adversely to said want, Wm. L. Sheemake & the following named minor children, Altha J. Sheemake, female, age 11 years, Bulah B. Sheemake, age 8 years, Post office Kingston, Tex.

WILL P. ROSS,
Chairman.

John E. Carter, Commis.

Endorsed as follows:

Decision of
Commission.

ALPHA J. SNEEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. H., August 19th, 1887.

Docket No.	Names.	Age	Sex	Post Office	Atty.
1	Alpha J. Sneemake	11	Female	Kingston, Texas	
2	Bulah Sneemake	8	"		
327					C.H. Taylor
				Applicant for	
				Cherokee Citizen-	
				ship.	
	vs.			Roll 1835 to 1862	
	Cherokee Nation.			Ancestor.	
	filed August 19th,			Eli Sneemake.	
	1887.				

* Rejected May 2nd, 1889.

Application for Cherokee Citizenship. Now comes on this day for the final hearing of the above entitled case the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application relying entirely on his application. Therefore the Commission render a decision adversely to claimant Wm. L. Sneemake and the following named minor children, Alpha J. Sneemake, female aged 11 years, Bulah B. Sneemake aged 8 years. (Post Office Kingston, Texas).

This May 2nd, 1889.
D. S. Williams,
Clk. Com. Tah. I. T.

Will P. Ross,
Chairman.
John E. Gunter, Com.

MR. HUTCHINGS: The Nation offers in evidence the original record in citizenship case of William L. Sneemake, and the judgment in that case, found in citizenship record heretofore referred to on page 41.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony, for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Tahes Commission admitting the claimants to Cherokee Citizenship; because it casts no light on the legal or legitimate questions pending before the Commission; it will not be admissible as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JURIN THOMAS: We except to the ruling.

The record is as follows:

The record is contained in an envelope bearing the following endorsement:

Name Wm. L. Shoemaker

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address Kingston, Texas.
Age 31 years.. Census.
1835/52-Old Settler Roll of 18..
Ancestors Eli B. Shoemaker
Filed the 19 day of August
Deekst 328 Book B, Page 41
Testimony on Journal--Page
Decision of Commission, Rejected.
16th day of May, 1889.

Submitted by applicant, May 3rd.

R

Set for May 10th,
Adverse May 16th, 1889.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1884, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That William L. Shoemaker is the son of one Eli B. Shoemaker, who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-46-51-52 & Old Settler Roll. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully asks to the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with their relationship attached is as follows:

No.:	Names	Sex	Age:	Relationship.
1	Jessy B. Shoemake	Male	6	Son
2	Francis J. Shoemake	Female	4	Daughter
3	Tommie Shoemake	"	2	"
4	Lena Shoemake	"	1	"

In witness of which application I hereunto set my hand on this the 18 day of August 1887.

William L. Shoemake.

C. F. Taylor, Attorney.

W. L. Shoemake, et al,

vs.

Cherokee Nation.

Office Com. on Citizenship.

Tahlequah, I. T., Oct. 30th, 88.

J. D. Shoemake, who being duly sworn, states, I am 38 years old. I live at Webbers Falls, Cherokee Nation. I was raised with Eli Shoemake. I am acquainted with his family, they are, Lafayette Shoemake, Hugh Shoemake, he is now dead- Mollie Shoemake, Georgia Ann Shoemake, and Rosetta Shoemake, Ida Shoemake, and Gibby Ann Shoemake. Altha Jane Shoemake is the daughter of Hugh Shoemake, so is also Bulah B. Shoemake.

Cross-Ex.

I am acquainted with Geo. Ann Cerrington. She is about 21 years old. She is the daughter of Eli Shoemake, and married J. B. Cerrington, a white man, children dead.

I am acquainted with Mary E. Warren. She is the daughter of Eli Shoemake, she married Jake Warren, a white man. She has two children, named J. Lafayette and Jacob Warren, aged 8 and 6 years old. She has another born since the filing of this application, her application- J. Warren had no children before he married Mary Shoemake.

Attest:

Connell Rogers,
Clerk Com. on Citizenship.

Endorsed as follows:

Testimony of
J. D. Shoemake,
in case
W. L. Shoemake, et al.

Y. L. Shoemaker, et al,

vs.

Cherokee Nation.

Office Com. on Citizenship.

Tahlequah, I. T., Oct. 30, '88.

J. B. Covington, who being duly sworn, upon his oath states in the matter of identification of the children of the applicants. I am acquainted with W. L. Shoemaker and his family, his family are Jesse B., - Fanny, - Tommie and Lenar Shoemaker, aged about respectively 7-5-4 and 2 years of age.

Cross Ex.

W. L. Shoemaker lives in Hunt Co., Texas, he has been living at this place for 17 or 18 years, his wife was a Libbey, a white woman. She had no children before she married W. L. Shoemaker. The father of the applicant was Eli B. Shoemaker.

Attest:

Connell Rogers,

Clk. Com. on Citizenship.

Endorsed as follows:

Testimony of
J. B. Covington
in case
W. L. Shoemaker.

William L. Shoemaker }

vs.

Cherokee Nation. }

John M. Taylor, who after being duly sworn, states as follows: I am 52 years of age. Live in Tahlequah, Tahlequah District, Cherokee Nation. Margaret Puffer claimed to be a cousin of the Shoemakers. That she was a cousin of Dick Shoemaker of Canadian District, and that she herself was a Smith, daughter of Buck Smith, and that the Shoemakers and Exendynes all belong to the same family. That they tried to get Dick Shoemaker to help them out but he would not do it, and that they were all Cherokees alike, and that they had affidavits before the Court to show they were all the same family. They wanted Dick Shoemaker to assist them as a witness. I heard Shoemaker say they came here directly after the emigration. He did not say whether they were acknowledged as citizens or not. I have been informed they left the country to avoid having the claims investigated. They were the Shoemakers, Exendynes, Carters, Schrimshers and Russel.

The applicant is of the same family. The applicant I don't know anything about. The Schrimshers who were rejected are of a different family from those living here at present.

Attest:

this May 3rd, 1889.

X. G. Reas,
Clk. of Commission
on Citizenship.

Endorsed as follows:

Testimony of
John M. Taylor
in case of
Wm. L. Shoemaker,
vs.
Cherokee Nation.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 16th, 1889.

Wm. L. Shoemaker

vs.

The Cherokee Nation.)

Now on this day comes the above named case for final hearing. The applicant alleges that he is descended from Eli B. Shoemaker, whose name may be found on the Census rolls of Cherokees taken and made of Cherokees by blood in the years 1835/52-Old Settler. The evidence fails to show that Eli B. Shoemaker was of Cherokee blood, while his name is not found on the rolls named. The Commission therefore decide that William L. Shoemaker is not of Cherokee blood and not entitled to re-admission to citizenship in the Cherokee nation. This decision includes the family of applicant to-wit: Jesse B. Shoemaker, aged 6 years, Frances J. Shoemaker (daughter) aged 4 years, Tommie J. Shoemaker (daughter) aged two years, and Lena Shoemaker (daughter) aged one year.

Will P. Ross,
Chairman.

John E. Gunter, Commis.
(Gunter's name also signed in
Cherokee)

WILLIAM L. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. N., August 19th, 1887.

Docket No.:	Names	Age	Sex	Post Office	Atty.
1	William L. Shoemake	31	Male	Kingston, Texas	
2	Jessie B. Shoemake	6	"		
328	Francis J. Shoemake	4	Female		
4	Tommie Shoemake	2	"		
5	Lena Shoemake	1	"	Applicant for	
				Cherokee Citizen-	C.H. Taylor
				ship.	
	vs.			Rolls 1835 to 1852	
	Cherokee Nation.			Ancestor	
	Filed August 19th,				
	1887.				

Rejected May 15, 1889.

Office Commission on Citizenship.

Cherokee Nation, Ind. Terr'y.

Tahlequah, May 16th, 1889.
named

Now on this day comes the above case for final hearing. The applicant alleges that he is descended from Eli B. Shoemake, whose name may be found on the Census Rolls of Cherokee taken and made of Cherokees by blood in the years 1835/52- Old Settled. The evidence fails to show that Eli B. Shoemake was of Cherokee blood, while his name is not found on the rolls named. The Commission therefore decide that William L. Shoemake is not of Cherokee blood and not entitled to re-admission to citizenship in the Cherokee Nation. This decision includes the family of applicant, to-wit: Jesse B. Shoemake, aged 6 years; Francis J. Shoemake (daughter) aged 4 years, Tommie J. Shoemake (daughter) aged two years, and Lena Shoemake, (daughter) aged one year.

Attest:

D. S. Williams,
Asst. Clk. Com.

Will P. Ross, Chairman.
R. Bunch, Commissioner.
John R. Gunter, Com.

MR. HUTCHINGS: The Nation offers in evidence the citizenship record in the case of William L. Shoemake, guardian, and judgment in the said case, in the citizenship record heretofore referred to, on page 43.

JUDGE THOMAS: The attorneys for the claimant object to the introduction of this testimony, for the reason that it is not a record in any way connected with the case on trial; that it is a judgment rendered five years after the judgment rendered by the Texas Commission admitting the claimants to Cherokee citizenship; because it casts no light on the legal or legitimate questions pending before the Commission, and because it will not be admissible as evidence under any legal rule.

BY COMMISSION: The objection of the attorney for the claimants to the admission of the record referred to will be noted, and the record considered for what it may be worth.

JUDGE THOMAS: We except to the ruling.

The record is as follows:

The record is contained in an envelope bearing the following endorsement:

Name Wm. L. Shoemaker
(Guardian)

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address, Kingston, Tex.
Age.....Years Census
1835/1882 & Old Settler Roll of 18..
Ancestors Eli B. Shoemaker
Filed the 20th day of August, 1887.
Docket 330, Book B, Page 43.
Testimony on Record---Page 144.
Decision of Commission, Rejected
2nd day of May, 1889.

Submitted by both parties
May 2nd, 1889.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application to-wit: That William L. Shoemaker is the son of one Eli B. Shoemaker who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835-40-51-52 & Old Settler Rolls. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age 31 years; Postoffice Kingston, Tex., family with relations their relationship attached is as follows:

No.:	Names.	Sex	Age:	Relationship.
1 :	Rosetta Shoemake	Female:	17 :	Guardian
2 :	Idie B. Shoemake	"	13 :	"
3 :	Sidda A. Shoemake	"	10 :	"
:	:	:	:	:

In witness of which application I hereunto set my hand on this the 18 day of August 1887.

C. H. Taylor, Attorney.

William L. Shoemake
Guardian for
Children.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.

Tahlequah, May 2nd, 1889.

Wm. L. Shoemake,
Guardian, vs.
Cherokee Nation.

)
) Application for Cherokee
) Citizenship.

Now comes on this day for the final hearing the above entitled case, the Commission after investigating the papers in said case, find that the applicant produces no evidence whatever to sustain the allegations set forth in his application, relying entirely upon the application, therefore the Commission render a decision adversely to Claimant Wm. L. Shoemake & the following named minor children whose name appear in the application of Wm. L. Shoemake & recorded as their Guardian.

Rosetta Whimwhim Shoemake, Female age 17 years.

Idie B. Shoemake " " 13

Sidda A. Shoemake " " 10

Post office address is Kingston, Tex.

Will P. Ross,
Chairman.

John E. Gunter, Commis.

WM. L. SHOEMAKE.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, C. H., August 20th/87.

Docket No.	Names.	Age	Sex	Post Office	Atty.
1	Wm. L. Shoemake	39	Male	Kington, Texas	
2	Rosetta Shoemake	17	Female		
350	Ida B. Shoemake	13	"	Applicants for	
4	Lidda A. Shoemake	10	"	Cherokee Citizen- ship.	C.H. Taylor
	vs.			Rolls 1835, 1852, Old Settlers' Rolls	
	Cherokee Nation.			Ancestor	
	filed Aug. 20th, 1887.			Eli B. Shoemake	

May 2nd, 1888.

Now comes on this day for the final hearing of the above case, the Commission after investigating the papers in said case find that the applicant produces no evidence whatever to sustain the allegation set forth in his application relying entirely on his application. Therefore the Commission render a decision adverse to claimant Wm. L. Shoemake and the following named minor children whose names appear in the application of Wm. L. Shoemake and recorded as guardian Rosetta Shoemake, Female, aged 17 years; Ida B. Shoemake, Female, aged 13 years; Lidda A. Shoemake aged 10 years. Post Office address is Kington, Texas.

E. G. Ross,

Clerk Commission.

Will P. Ross, Chairman.

John E. Gunter, Com.

MR. HUTCHINGS: The Nation desires to introduce the record in the case of the same applicant who applied for the children aforesaid, before the Dawes Commission, being case No. 3165, the applicants therein showing themselves principally to be the grand children of the applicant here, W. H. Shoemaker.

The record in the case is as follows:

Personally appeared before me the undersigned authority, a Notary Public in and for the Northern District of the Indian Territory, V. F. Seaver, who being by me first duly sworn, upon his oath says that he did on this the 3rd day of September, 1896, deposit in the United States Post Office at Muskogee, Ind. Ter. an envelope containing true and correct copies of the Petition and Evidence in the case of Lula B. and Eddie E. Shoemaker by next friend for Citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah is where the said Chief gets his mail.

V. F. Seaver.

Sworn to and subscribed before me this September 3, 1896.

(REAL)

H. A. Gibson.
Notary Public aforesaid.

I am a citizen of the Cherokee Nation.

To the Honorable the Dawes Commission of Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, W. H. Shoemaker, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemaker, his grandmother who was a Cherokee Indian by blood; That said Anna Shoemaker was the wife of John Shoemaker who held a reservation in Jackson County, Alabama as shown by the Cherokee census roll of 1817.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 71 years. My Post Office address is Webber-falls, I.T. My family consists of the following named persons: My grand and children as follows:

Lula B. Shoemaker,	aged 14 years.
Eddie Cole Shoemaker,	aged 12 years.

These children are the legal heirs of my son W. C. Shoemaker, deceased, and are my grand children, & I make this application for their benefit & not for my own.

Witness my hand this 18th day of August, 1896.

W. H. SHOEMAKER.

Indian Territory, }
Creek Nation. } ss.

Personally appeared before me, the undersigned authority, W. H. Shoemaker, to me known to be the petitioner in the above petition who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

W. H. Shoemaker.

Subscribed and sworn to before me at Muskogee, I. T., this 18th day of August, A. D. 1896.

W. A. Gibson.

(Notarial)
(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF W. H. SHOEMAKE FOR HIS
GRAND CHILDREN LULA B. SHOEMAKE AND EDDIE COLE SHOEMAKE FOR
CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemaker, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and have been fully recognized since 1863. W. H. Shoemaker, who makes application for his grand children Lula B. Shoemaker, and Eddie Cole Shoemaker, is my full brother, and they live with him in Canadian District, Cherokee Nation Indian Territory. They are children of W. C. Shoemaker, who was a son of this claimant W. H. Shoemaker, who is a son of John A. Shoemaker, who was a son of Annie Shoemaker, who was the wife of John Shoemaker who held a reservation in Jackson County Alabama, by virtue of the Cherokee blood of his wife, the said Annie, as will appear by the Cherokee Roll of 1817, on file in the Indian Department in Washington D. C.

I know my brother's grand children Lula B and Eddie Cole Shoemaker and know that they are descendants of W. C. Shoemaker, the son of my brother and are Cherokee Indians by blood. W. C. Shoemaker made application for citizenship under the old law in his life time.

J. W. SHOEMAKE.

Sworn to and subscribed before me this August 20th 1896.

J. C. Buchanan.

Notary Public.

IN THE MATTER OF THE APPLICATION OF W. H. SHEEMAKE FOR HIS
GRAND CHILDREN LULA B. SHEEMAKE AND EDDIE COLE SHEEMAKE FOR
CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned
authority W. H. Sheemake, who, being by me first duly sworn, upon
his oath says as follows:

I am 71 years of age. My Post Office
is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a
recognized Cherokee citizen and have been since 1883.

I held the position of Judge for four years in the Southern
Judicial District of the Cherokee Nation. I make this claim in be-
half of my grand children Lula B. Sheemake and Eddie Cole Sheemake,
who are the children of my deceased son W. C. Sheemake, I being the
son of John A. Sheemake, and he the son of Annie Sheemake, the wife
of John Sheemake, who held a reservation in Jackson County, Alabama,
by virtue of his wife's Cherokee blood, as shown by the Rolls of 1817
as evidenced by the records in the Indian Department at Washington
D. C. These children are the lineal descendants of the aforesaid
Annie Sheemake and are Cherokee Indians by blood and are entitled
to be enrolled as such. My son W. C. Sheemake made application for
citizenship in his life time under the old law.

W. H. Sheemake.

Sworn to and subscribed before me this August 18, 1896.

N. A. Gibson,

Notary Public.

Endorsements on back as follows:

No. 3165.
Application of
Lula B. Sheemake
and
Eddie Cole Sheemake
By their next friend
W. H. Sheemake
for Citizenship in
the Cherokee Nation.

Filed Sept. 4-1896.

A. B. McKennon,
Comr.

Rejected.

W. F. Weaver,
Atty. for Claimant.

Alma L. Shoemaker.

Office Commission on Citizenship.

Tahlequah, C.N., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Atty.
1	Alma L. Shoemaker	9	Female		
2	Lelia Bell Shoemaker	7	Female		
3	Eddy C. Shoemaker	4			C.H. Tayler
				Applicant for	
				Cherokee	
				Citizenship.	
	vs.			Ancestor	
	Cherokee Nation.				

Commission on Citizenship.

Cherokee Nation, Ind. Ter.

Tahlequah, September 13, 1889.

Almer Shoemaker

Lelia Bell Shoemaker

Eddy C. Shoemaker,

vs.

The Cherokee Nation.)

Application for Cherokee Citizenship.

The application in the above case was filed the 29th day of September, 1887, by Wm. H. Shoemaker as guardian. It alleges that the before named persons aged respectively 9-7-4 years are the grand children of the guardian Wm. H. Shoemaker, Circuit Judge of Canadian District, whose name will be found on the Census Rolls of Cherokees by blood taken and made by the United States in 1883. The witness in support of the application is the guardian himself, who was admitted to citizenship the 5th day of January 1883 by the Commission known as the "Tahse Court." Judge Shoemaker sworn before the "Adair Commission" on Citizenship August 3rd, 1886, that they are the children of W. C. Shoemaker from whom they derive their Cherokee blood, and he from his father who is the witness and the grant father of the applicants, who reside in Sebastian County, State of Arkansas. He also states that he has been taught that he himself derived his

Cherokee blood from his father John A. Shoemaker, and he from his mother Annie Shoemaker nee Annie Bone whose husband was John Shoemaker, the step father of John A. Shoemaker, who was a white man. And that John Shoemaker took a reservation under the Treaty of 1817 on Crow Creek in the County of Jackson and State of Alabama, and lived on and cultivated it, but understood that the Government took possession of it between 1850-55, but that it was removed through J. C. & J. C. Coperton, and he subsequently received some consideration for it himself, and that his folks were living on the place from 1835 to

about 1881. The witness went to Eastern Texas in 1849, and the Shoemake as were living in Jackson County, Alabama, late as the year 1854. The mother of the applicant was a white woman whose maiden name was Windem, and that of their grand mother Stewart who was white woman. The statements of the witnesses on the part of the Nation are not to the case because they fail to connect the family of the applicants with the persons to whom they refer.

While the admission of W. H. Shoemake to citizenship by the Teehee Court is conclusive so far as he himself is concerned this Commission is governed necessarily by the laws under which it was created and is now acting. Although living on the immediate line if not actually in the Cherokee Nation East of the Mississippi River in 1855, the name of Wm. H. Shoemake is not found on the Census roll of Cherokees taken in that year, nor in 1848-51-52, nor in 1885 which is referred to in the application, altho not enumerated in the Acts creating this Commission, nor is the name of any other Shoemake, or that of Annie Shoemake, or Annie "Bone" found on said rolls. The Commission therefore, under a decision against the claimants as having failed to establish their rights to Citizenship in the Cherokee Nation.

(Signed with the interlineation "or that of Annie Shoemake or Annie "Bone").

Will P. Ross, Chairman.

J. E. Gunter, Sec.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: GENTLEMEN: The undersigned your petitioner, this day makes his application for re-admission to Citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 5th, 1886, creating your Commission. And respectfully makes the following statement of the grounds of this their application, to-wit: That Almer, Lelia Bell, Eddy C. Shoemake is the grand children of one W. H. Shoemake, Circuit Judge of Canadian District, who, the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1885. The undersigned hereby presents the above facts as the lawful grounds for this their application for Cherokee Citizenship by blood, and respectfully awaits the time when their application shall be truly heard and tried in accordance with the aforesaid law.

Age 9-7-4 years; Postoffice _____; Family with their relationship attached is as follows:

No.	Names	Sex	Age	Relationship.
	Almer Shoemake	Female	9	Grand children of Wm. H. Shoemake.
	Lelia Bell Shoemake	" "	7	
	Eddy C. Shoemake	Male	4	

In witness of which application I hereunto set my hand on this the 20th day of Sept., 1887.
C. H. Taylor, Attorney.

W. H. Shoemake, guardian for
grand children.

Alma Shoemake,
 Leler Bell Shoemake
 Eddy C. Shoemake,
 vs.
 Cherokee Nation.

Office Commission on Citizenship.

Tahlequah, Ind. ter. Aug. 3rd, 1888.

W. H. Shoemake, who being first sworn, upon his oath states as follows: I am 63 years old, am a citizen of the Cherokee Nation by blood and live in Canadian District. The above applicants in this case are my grand children, they are my son's children, their ages are, Alma, about 5 years old, Leler Bell, about 6 or 7, and Eddy C. Shoemake about 5 years old. They now live in Sebastian County, Arkansas. They derive their Cherokee blood from their father W. C. Shoemake, and he from his father, W. H. Shoemake, myself, and I from my father John A. Shoemake. I have been taught that he, John A., derived his Cherokee blood from Annie Shoemake, her husband was John Shoemake, a white man. John and Annie Shoemake had but one child that I know of, named John A. Shoemake, my father. My grand father and father lived in the State of Alabama, Jackson County, in the fork of Crow Creek. I was told that under the treaty of 1817 my parents took this home as a reservation and lived on it and cultivated it. I left there in the year 1849, and I heard that the Government took possession of this place some time between 1850 and 1855. I disremember who bought the place from the Government, if I ever heard, but they dispossessed my folks. There were two men living on the place or near the place, named O. and John C. Caperton at that time. I think grand father was dead. My parents employed the Capertons to bring suit against the Government, they were to give the Capertons 1/2 of the reservation should they win the case. We, through them, the Capertons, gained the land and was placed in possession of it. My people then sold out our interest to Capertons and my brother, Eli Shoemake, asked me to make him my Agent, through a power of Attorney, to sell my part and do for me as if I were present. I received a consideration for my interest in these lands. My folks were living on this place from 1835 to about 1851.

The name of John A. Shoemake should appear on the rolls of 1835 and other rolls of Cherokees. I am acquainted with William J. Shoemake an applicant before the Commission, he is a nephew of mine and a son of my brother Eli Shoemake, he, the applicant is now living near Kingston, Hunt County, Texas, he is between 30 and 35 years of age. I don't know his children.

Cross Examination.

I was admitted to citizenship in this Nation on the 8th day of January, 1883. This was before what is known as the "Tahoe Court." The wife of John Shoemake, my grand father, whose name was Annie, was, I have been informed, named "Bone," or this was her maiden name. I desire to say, when I speak of John Shoemake as my grand father, my information is, that he was my step grand father and not my own grand father as an ancestor. I understand that my father took his name, Shoemake, as such from John Shoemake my step grand father. I have no knowledge of the real name of my grand father's real name on my father's side. I don't claim Cherokee blood for my family from any other source than Annie Shoemake, the wife of John Shoemake, my step grand father. When I said the Government took possession of the place before mentioned, I meant the U. S. Government. I don't know upon what grounds the U. S. Government took possession of this reservation.

I went to Eastern Texas, Cass County, when I left Alabama in the fall of 1849. The Shoemakes were living in Alabama, Jackson County, as late as the year 1854. My mother was a white woman, she had no family before she married my father. William L. Shoemake's

mother was a Stewart, a white woman, she had no family before she married William's father, Ali Sheemake. The mother of Alma, Leiler Bell & Bady, heretofore mentioned, was a white woman, whose maiden name was Winden, she had no family before she married my son, W. C. Sheemake. I don't know that my folks that were left in Alabama participated in the temper capita of 1851 and 1852 or not. I did not, I was in Texas at this time.

By the Court.

I have heard that Annis Sheemake nee Bone was a half breed Cherokee.

Re-Cross-Ex.

I never saw the original patent granting the reservation heretofore spoken of, to John Sheemake, my step grand father. My understanding is that John Sheemake took this reservation in right of his wife. If the reservation was in the name of John Sheemake, in his own name and not in right of his wife, he, John Sheemake, was not a Cherokee as before stated. I don't know whether it was a fee simple or life estate patent that was given John Sheemake as a title to the reservation before spoken of.

Re-direct-Ex.

When I lived in the State of Alabama I was not required to work on the public roads, was not compelled to pay poll tax, and was exempt from military duty, by law. So was my father. And my father and myself were not allowed to testify as a witness or against a white man in the Courts.

Re-Cross-Ex.

I think we were compelled to pay tax on our lands.

Attest. Conner Rogers,
Clerk, Com. on Citizenship.

State of Missouri,)
) ss.
Pulaski County.)

I, John A. Smith being first duly sworn on his oath deposes and says his name is John A. Smith. I reside at present in Pulaski County, State of Missouri, my age is 33 years. I was born in Seecochee Valley, State of Tennessee. I have always been taught and believe that James Smith, who was by his Cherokee neighbors called Buck Smith was my father and his wife Pelly Smith, whose maiden name was Pelly Krendine, was my mother, and unto them was born while living together as husband and wife, Harvey, Leucinda, Martha, Emily, Charity, John A., Mary, Reasy, the within all bore the name of Smith. Leucinda married twice. I know both her husbands and their children, first husband Uria Bolton, they lived as husband and wife, and unto them was born 2 girls, first Margaret A. Bolton now known as Margriet A. Puffer and Vicy I. Bolton now known as Vicy I. Brown, then Leucinda married Duncan McDonald and to them was born children now living 2 boys first W. W. McDonald, T. K. McDonald and 2 girls Leusia and Sarah who bore the name of McDonald. Mary Smith married a Harmon and is now known as the widow Harmon and has five boys who bore the name of Harmon. Reasy Smith is married to B. Luster and now bears the name of Reas Luster, they have born to them 4 children

he bear the name of Luster 3 boys one girl, the dependent John A. Smith has been taught the Jordan Smith was his Uncle and Amy Smith was his Aunt and that John Shoemaker or ball Jack as his neighbors called him was his uncle, and his grand father name was Sanders Smith his grand mother Amy Smith and her maiden name Amy Shoemaker. Dependent further states he understands and believes that he is a Cherokee Indian by blood descent from his father James Smith or Duck and that he makes this statement for the purpose of showing his legal descent and right to Cherokee citizenship. My first daughter living, Mary Ann Smith age 33 now known as Mary Ann Barnshaw they have two boys bearing the name of Barnshaw given names Alfred Anderson age 7 years, John Franklin age 8 years Rebecker Ellamier Smith aged 26 now known as Rebecker H. Streup children none to date. William Harvey Smith aged 20, Mary Sophiar Isibell Smith age 18 years Sarah Ellen age 10 years John C. Smith 20 years Peter W. Smith age 15 years.

his
John A. x Smith.
mark

Witnesses.

Richard Puffer & V. B. Hill.

State of Missouri, }
County of Pulaski. } ss.

Sworn and subscribed to before me on this 24th day of May, 1888. And I certify that all the foregoing statements were fully and carefully read over and explained to said affiant John A. Smith by me before he took the oath of and affixed his signature, and that he is entitled to full credit.

H. G. Williams.
Clerk County Court.

Case of Alma Bell & Eddy C. Shoemaker,

vs.

Cherokee Nation.

Mark Dean introduced on part of Nation and testifies as follows:

I am 46 years old. I reside in Going Snake District. I know three families that lived near Dutch Mills, Washington County, Ark. Their names were Paper, Oxendines and Shoemakers. They left there in the year 1859 or 59 and went out in some of the Western Territories. They left Arkansas because they had either chosen "Masters" or leave the State under the law of Ark.

Attest.

D. B. Williams,
Asst. Clerk, Sept. 11th, 1889.

Alma L. Bell &
Eddy C. Shoemaker, }
vs. }
Cherokee Nation. }

Office Commission on
Citizenship, Sept. 12, 1889.

Dennis W. Bushyhead who after being duly sworn states as follows: I am 63 years of age. Live at Tahlequah, Cherokee Nation.

I dont know of any Cherekees by the name of Rheemake. When I was in California there was a family of Rheemakes and Oxendines that lived in one neighborhood who claimed to be Cherekees. That was in Calaveras County. They came to that country from Sebastian County, Arkansas, and looked like darkys to me. Some of them were happy headed.

Cross Examination.

I knew these people in California in the years 55 and 58. Dont remember any of their given names. Never heard any of them say that they ever lived in Alabama. In the year 1839 or 1840 I heard of people by this name applying here as Cherekees, but they were rejected.

Attest:

E. G. Ross, Clerk Commission.

EXECUTIVE DEPARTMENT OF
CHEROKEE NATION.

I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct transcripts and copies therefrom.

(SEAL)

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 22 day of Sept. 1898.

JOHN L. ADAIR,
Executive Secretary.

Before the Honerables, Henry L. Daves, Frank C. Armstrong, A. H. McKennen, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of the application of
Lelia B. & Edwin C.

Rheemake.

Nation's No.
Commission's No.

for citizenship in the Cherokee Nation.

Your respondent, E. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the ground thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants were entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Rheemake, through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither they nor any of her ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Respondent, for a further and complete defense to the aforesaid Application says: That, heretofore said applicant made application before a legally constituted Court, or Commission on citizenship, having jurisdiction over applications for re-admission to citizenship in the Cherokee Nation; That the said case was tried upon its merits; that upon a final hearing, judgment was duly given against the applicant and in favor of this Nation. A duly certified transcript of the aforesaid proceedings and judgment are annexed hereto and made a part of this answer.

Having fully answered your respondent asks to be hence dismissed
S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boundinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this, the 22 day of Sept. 1896.

D. J. Ball,

Notary Public.

(SEAL)

Endorsements as follows:

Nation's No. 3146.
Commission's No.
In re Application of
Luba B. Shoemaker,
et al

DEMURRER AND ANSWER,
Filed Sept. 28, 1896.*
A. S. MCKENNON,
COUN'R.

MR. HUTCHINGS: Also Daves Commission record in the case of James P. Shoemaker, a full brother of the applicants here, being No. 3164.

The record in the above case is as follows:

Personally appeared before me the undersigned, a Notary Public, in and for the Northern District of the Indian Territory, V. F. Seaver, who being by me first duly sworn upon his oath says, that he did on this the 3 day of September, 1896, deposit in the United States Post Office at Muskogee, Ind Ter. an envelope sealed by him containing true and correct copies of the Petition and Evidence in the case of James P. Shoemaker, for citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes, Chief of the Cherokee Nation, at Talliquah, Indian Territory, with lawful postage paid thereon, and that Talliquah is the place where the said Chief gets his mail.

V. F. Seaver.

Sworn to and subscribed before me this 3 day of September, 1896.

(Seal)

H. A. Gibson,

Notary Public aforesaid &

To the Honorable the Daves Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your Petitioner, James P. Shoemaker, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemaker, his grand mother, who was a Cherokee Indian by blood. Said Anna Shoemaker was the wife of John Shoemaker, deceased, who took a reservation by right of his wife Anna Shoemaker under treaty of 1817 in Jackson County, Alabama, & was awarded \$7680 therefor, but not paid in 1847.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 70 years. My Post Office address is Cateela, Texas. My family consists of the following named persons: Myself and children, as follows:

Georgia M. Shoemaker,	aged 24 years
Charley Shoemaker,	aged 16 years,
Kissie Shoemaker	aged 14 years.

WITNESS my hand this 18th day of August, 1896.

JAMES P. SHOEMAKER,
By his attorney W. F. Beaver.

Indian Territory,)
) ss.
Creek Nation.)

Personally appeared before me, the undersigned authority, James P. Shoemaker, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

James P. Shoemaker.

Subscribed and sworn to before me at Muskegee, I. T., this 18 day of August, A. D. 1896.

(Seal)

W. A. Gibson,
Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES P. SHOEMAKER FOR
CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemaker, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a citizen of the Cherokee Nation by blood, and have been since 1883. I have participated in all of the drawings since 1883, exercised the right of franchise, and been accorded all the rights of any other full Cherokee Citizen.

The claimant is a full brother of mine, and the son of John A. Sheemake, and the grand son of Annie Sheemake, the wife of John Sheemake, who held a reservation in Jackson County, Alabama, as Cherokee Indians. My father had five children, viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. We were all born and raised on our grand parents' reservation in Jackson County, Alabama. The claimant is a Cherokee Indian by blood and entitled to be enrolled as such.

J. W. Sheemake.

Sworn to and subscribed before me this August 20th 1896.

(Seal)

J. C. Buchanan,
Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES P. SHEEMAKE FOR
CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Northern District,) ss.
Indian Territory.)

Personally appeared before me the undersigned authority
W. H. Sheemake, who being by me first duly sworn, upon his oath
says as follows:

My age is 71 years, my Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood. I am the grand son of Annie Sheemake, the wife of John Sheemake, who appears on the Roll of the Cherokee Tribe for the year 1817. My father was John A. Sheemake, commonly called Jack, the son of Annie Sheemake aforesaid. He had five children, viz: William H. James P., Eli B., John Wesley, and Elizabeth Ann. The claimant, James P. Sheemake, is my full brother and the son of John A. Sheemake and the grand son of Annie Sheemake. The names of the claimant's children and their ages are given by him in his application. They and each of them are Cherokee Indians by blood and are entitled to be enrolled on the Cherokee Rolls as such. My grand father and grand mother aforesaid, held a reservation in Jackson County, Alabama, near Crowtown, as Cherokee Indians, and lived and died there. Myself, the claimant, and our other brothers and sister were all born on that Reservation. I am a citizen of the Cherokee Nation and have been since 1883. I have held the position of Circuit Judge in my District for four years, and have participated in all the payments since 1883.

W. H. Sheemake.

Sworn to and subscribed before me this August 18, 1896.

W. A. Gibson.

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES P. SHEEMAKE FOR CITIZEN-
SHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority,
James P. Sheemake, who being by me first duly sworn upon his oath
says as follows:

I am 70 years of age. My Post Office is Cateels Texas. I am a Cherokee Indian by blood. I am the son of John A. Shoemaker, and the grand son of Annie Shoemaker, the wife of John Shoemaker, who held a reservation in Jackson County, Alabama, as Cherokee Indians, and a full brother of W. H. and J. W. Shoemaker, who are citizens of the Cherokee Nation and residents of Canadian District Indian Territory.

My father had five children, viz. William H., James P., Eli H., John Wesley, and Elizabeth Ann. We were all born and raised on our grand parents' afterward reservation in Jackson County, Alabama, and were always known and recognized as Cherokee Indians by blood. Our grand mother Annie Shoemaker was enrolled on the Cherokee Rolls of 1817. The names of my children, George H., Charley and Kissie are set forth in my application, and they are the lawful issue of my body, and they and each of them are Cherokee Indians by blood, and true lineal descendants of my grand mother, Annie Shoemaker.

James P. Shoemaker.

Sworn to and subscribed before me this August 18, 1896.

H. A. Gibson.

(SEAL)

Notary Public.

Endorsements on back as follows:

No. 3164.

Application of
James P. Shoemaker
for Citizenship in
The Cherokee Nation
on Indians.

Filed Sept. 4-1896.
A. E. McKennon,
Com.

Rejected.

V. F. Beaver,
Atty. for claimant.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. E. McKennon, T. M. Cavaniss, and A. B. Montgomery, Commissioners.

In the matter of the application of
James P. Shoemaker

Nation's No. 3149.
Commissioner's No.

for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof, says:

1st. That this Commission has no jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear or determine the same.

2nd. That the applicant on deposes state facts sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Shoemake through whom the petitioner claims to derive his right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is here made to case of James D. Shoemake, our No. 3145.

Having fully answered your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By ~~Hutchings~~ Hastings, Hutchings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this the 22 day of Sept. 1896.

D. J. Hall,
Notary Public.

Endorsed as follows:

Nation's No. 3149.
Commission's No.
In re Application of
James P. Shoemake.

Demurrer and Answer.
Filed Sept. 28, 1896.
A. B. McKenna,
Com.

record in

MR. HUTCHINGS: We also introduce the case of George W. Shoemake, a nephew of the applicants, being Dawes Commission No. 3153.

The record is as follows:

Personally appeared before me the undersigned authority, a Notary Public in and for the Northern District of the Indian Territory W. F. Beaver, who being by me first duly sworn, upon his oath says that he did on this the 3rd day of September, 1896, deposit in the United States Post office at Muskogee, Ind. Ter. an envelope containing true and correct copies of the Petition and Evidence in the case of George W. Shoemake for citizenship in the Cherokee Nation of Indians, addressed to Hon. Samuel H. Mayes, Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid

thereon, and that Tahlequah is where the said Chief gets his mail.

W. F. Seaver.

Sworn to and subscribed before me this September, 3, 1896.

(Seal)

N. A. Gibson,
Notary Public aforesaid.

To the Honorable the Daves Commission on Citizenship in the Five Civilized Tribes in the Indian Territory?

Your petitioner, George W. Shoemaker, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemaker his grand mother, who was a Cherokee Indian by blood. Said Anna Shoemaker was the wife of John Shoemaker, who held a reservation in Jackson County, Alabama as Cherokee Indians as shown by the rolls of the Cherokees at Washington, D. C., for 1837.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 50 years. My Post Office address is Chocotah, I. T. My family consists of the following named persons: Myself and children as follows:

William D. Shoemaker,	aged 27 years,
Fannie K. Shoemaker (now Twyford)	aged 24 years,
Georgia Ann (now Shaw)	aged 22 years,
John E. Shoemaker,	aged 19 years,
Buss Shoemaker,	aged 17 years,
Mary E. Shoemaker,	aged 15 years,
Uberta Shoemaker,	aged 13 years.

WITNESS my hand this 18th day of August, 1896.

George W. Shoemaker.
By his Atty. W. F. Seaver.

Indian Territory,) }
Creek Nation. } ss.

Personally appeared before me, the undersigned authority, George W. Shoemaker, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

George W. Shoemaker,

Subscribed and sworn to before me at Muskogee, I. T. this 18th day of Aug. A. D. 1896.

(Seal)

N. A. Gibson,
Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me, the undersigned authority J. W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 62 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized citizen of the Cherokee Nation and have been since 1863. I am a full brother of W. H. Shoemake who testifies in this case, I know the claimant George W. Shoemake. He is a son of my full sister Elizabeth Ann Shoemake, who was a daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake who held a reservation in Jackson County, Alabama, as Cherokee Indians, as will more fully appear by the records at Washington, that the said John Shoemake held said reservation by virtue of his wife Annie's Cherokee blood, as per Rolls of 1817.

The names and ages of claimant's children as set forth in his application are correct and he and his children are Cherokees by blood Indians by blood, and the direct lineal descendants of Annie Shoemake aforesaid, and are Cherokee Indians by blood.

J. W. Shoemake.

Sworn to and subscribed before me this August 20th 1896.

J. C. Buchanan,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority George W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 80 years of age. My Post Office is Checotah I. T. I am the claimant in the application hereto attached. I am a nephew of W. H. and J. W. Shoemake who are Cherokee citizens by blood, and who testify in this case. I am the son of their full sister Elizabeth Ann Shoemake, who was the daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, by virtue of the Cherokee blood of his wife Annie aforesaid, as appears by the Rolls of the Cherokee Tribe for 1817, as of record in the Indian Department in Washington, D. C. The names and ages as set forth in my application of my children are correct. They being my lawful heirs and Cherokee Indians by blood.

Geo. W. Shoemake.

Sworn to and subscribed before me this August 18, 1896.

H. A. Gibson,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF GEORGE W. SHEEMAKE FOR
CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority,
W. H. Sheemake, who being by me first duly sworn upon his oath says
as follows:

I am 71 years of age. My Post Office is Webbers Falls, I. T.
I am a Cherokee Indian by blood, and a recognized citizen of the
Cherokee Nation and have been since 1883. I held the position of
Circuit Judge for four years in the Southern Judicial District of
the Cherokee Nation. I know the claimant, George W. Sheemake. He is
a son of my full sister Elizabeth Ann Sheemake, who was the daughter
of John A. Sheemake, who was the son of Annie Sheemake, the wife of
John Sheemake who held a reservation in Jackson County, Alabama, as
Cherokee Indians, as will more fully appear by the records at
Washington, that said John Sheemake held said reservation by virtue
of his wife Annie, as per Rolls of 1817. The names and ages of
claimant's children as set forth in his application are correct,
and he and his children are Cherokee Indians by blood and the direct
lineal descendants of Annie Sheemake aforementioned.

W. H. Sheemake,

Sworn to and subscribed before me this August 18, 1896.

H. A. Gibson,

(Seal)

Notary Public.

Endorsements as follows:

No. 3163.
Application of
George W. Sheemake,
for Citizenship in
the Cherokee Nation
of Indians.

Filed Sept. 4-1896.
A. S. McKennen,
Cm.

Rejected.

W. F. Weaver,
Atty. for Claimant.

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S.
McKennen, T. B. Cabaniss, and A. B. Montgomery, Commissioners.

In the matter of application of
Geo. W. Sheemake, et al

Nation's No. 3148.
Commissioner's No.

for citizenship in the Cherokee Nation.

Your respondent, E. H. Mayes, Principal Chief of the Cherokee
Nation, comes now and demands the said application, and for the
grounds thereof says:

1st. That this Commission has not jurisdiction over the parties
or subject matter of this controversy, and no legal right, therefore,
to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Sheemake through whom the petitioner claim to derive right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is here made to case of John D. Sheemake, our No. 3145. Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES? Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this the 23 day of Sept. 1896.

D. J. Ball,

Notary Public.

Endorsements as follows:

Nation's No. 3145.
Commission's No.
In re Application of
Geo. W. Sheemake.

Demurrer and Answer.
Filed Sept. 28, 1896.
A. S. McKennen,
Com'r.

MR. HUTCHINGS: We also introduce the record in the case of Mary J. Sheemake, Dawes Commission No. 3162.

The record is as follows:

Personally appeared before me the undersigned a Notary Public in and for the Northern District of the Indian Territory, W. F. Beaver, who being by me first duly sworn upon his oath says that he did on the _____ day of September, 1896, deposit in the United States Post Office at Muskegee, Indian Territory an envelope containing true and correct copies of the Petition and Evidence in the case of Mary J. Sheemake for citizenship in the Cherokee Nation of Indians.

IN THE MATTER OF THE APPLICATION OF MARY J. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemake, who being by me first duly sworn upon his oath says as follows:

I am 32 years of age. My Post Office is Webbers Falls, I. T. I am a citizen of the Cherokee Nation by blood and have been since 1883. I have participated in all of the drawings since 1883, exercised the right of franchise, and been accorded all the rights of a full Cherokee citizen. The claimant is the widow of my nephew J. E. Shoemake, deceased, who was the son of Elizabeth Ann Shoemake, my full sister, who was the daughter of John A. Shoemake, who was the son of Annie Shoemake, the wife of John Shoemake, who held a reservation in Jackson County, Alabama, by virtue of the Cherokee blood of his wife Annie as will appear from the Cherokee Rolls of 1817.

The children as set forth in claimant's application by name and age are the children of this claimant, by her deceased husband, J. E. Shoemake, and are Cherokee Indians by blood, and are entitled to be enrolled as such.

J. W. Shoemake.

Sworn to and subscribed before me this August 20 - 1896.

J. C. Buchanan,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF MARY J. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority Mary J. Shoemake, who being by me first duly sworn upon her oath says as follows:

I am 35 years of age. My Post Office is Muscogee, I. T. I am the widow of J. E. Shoemake, deceased, whose name appears in my application, of myself and children for Cherokee citizenship, as my husband. He was a nephew of W. E. and J. W. Shoemake who are citizens of the Cherokee Nation. The names of our children and ages as set forth in my application are correct. We were lawfully married in Hunt County in the State of Texas on the 23 day of Jan 1878, and the children as named in my application were born of my body and begotten by my deceased husband, J. E. Shoemake, and Cherokee Indians by blood.

Mary J. Shoemake.

Sworn to and subscribed before me this 19 day of August 1896.

H. A. Gibson,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF MARY J. SHEEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Northern District,) ss.
Indian Territory.)

Personally appeared before me the undersigned authority W. H. Sheemake, who being by me first duly sworn, upon his oath says as follows:

I am 71 years of age. My Post Office is Webbers Falls, I. T. I am a Cherokee Indian by blood, and a recognized citizen of the Cherokee Nation and have been since 1883. I held the position of Circuit Judge for four years in the Southern Judicial District of the Cherokee Nation. I am a grand son of Annie Sheemake, the wife of John Sheemake who held a reservation in Jackson County, Alabama, as Cherokee Indians. My father was John A. Sheemake, commonly called Jack, the son of Annie Sheemake aforesaid. He had five children, viz: William H., James P., Eli B. John Wesley, and Elizabeth Ann. The claimant Mary J. Sheemake is the widow of J. E. Sheemake who was the son of my sister Elizabeth Ann Sheemake, and the grand son of John A. Sheemake, and the great grand son of Annie Sheemake, who was enrolled on the Rolls of the Cherokee Nation for 1817 as a Cherokee Indian by blood. John Sheemake held the reservation aforesaid by right of his wife Annie Sheemake, aforesaid, as will appear by record in the Indian Bureau at Washington.

The names and ages of claimant's children as set forth in her application are correct and they are the children of J. E. Sheemake, deceased, my nephew, and are Cherokee Indians by blood.

W. H. Sheemake.

Sworn to and subscribed before me this August 18, 1896.

H. A. Gibson.

(Seal)

Notary Public.

Endorsed as follows:

No. 3162.
In re Application of
Mary J. Sheemake for
citizenship in the Cherokee
Nation, I. T.

Filed Sept 4- 1896.
A. S. McKennon,
Com'r.

Rejected.

W. P. Weaver, Atty.
for Claimants.

Before the Honorable, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. H. Cabanis, and A. B. Montgomery, Commissioners.

In the matter of application of
Mary J. Sheemake, et al,

Nation's No. 3147.
Commission's No.

for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Sheemake through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither they nor any of the ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Reference is here made to case of
James D. Sheemake, our No. 3145.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation/ having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair,

Subscribed and sworn to before me this the 22 day of Sept. 1896.

D. J. Ball

(Seal)

Notary Public.

Endorsements as follows:

Nation's No. 3147.

Commission's No.

In re Application of
Mary J. Sheemake,

Demurrer and Answer.

Filed Sept. 28, 1896.

A. S. McKennon.

Com'r.

MR. HUTCHINGS: We also desire to introduce the record in the case of James D. Shoemaker, Daves Commission No. 3161, the said James D. Shoemaker being the same applicant heretofore referred to as having the case before the Tahoe Court, the record on page 258 of which has been introduced, and before the Adair Court, the record of which on page 51 has been introduced, and who was shown to be a son of Elizabeth Shoemaker, a sister of the applicants.

The record is as follows:

Personally appeared before me the undersigned authority a Notary Public in and for the Northern District of the Indian Territory, W. F. Beaver, who being by me first duly sworn upon his oath says that he did on the 3 day of September, 1896, deposit in the United States Post Office at Muskogee, Indian Territory an envelope containing true and correct copies of the Petition and Evidence in the case of James D. Shoemaker for citizenship in the Cherokee Nation of Indians, addressed to the Hon. Samuel H. Mayes, Chief of the Cherokee Nation, at Tahlequah, Indian Territory, with lawful postage paid thereon, and that Tahlequah, I. T., is the place where the said Chief gets his mail.

W. F. Beaver.

Sworn to and subscribed before me this 3 day of September 1896.

W. A. Gibson,

(Seal)

Notary Public.

To the Honorable the Daves Commission on Citizenship in the Five Civilized Tribes in the Indian Territory.

Your petitioner, James D. Shoemaker, undersigned, respectfully states that he is a Cherokee Indian by blood, and asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That he derives his said Indian blood from Anna Shoemaker his great grand mother who was a Cherokee Indian by blood. Said Anna Shoemaker was the wife of John Shoemaker deceased, who took a reservation by right of his wife under the treaty of 1817, and was awarded \$7600 for same by U. S. Government in 1847 as per U. S. Records.

Your petitioner states the above facts as the lawful grounds of his application for citizenship in the Cherokee Nation, and prays that his claim may be fully investigated by your Honorable Commission and that he be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 45 years. My Post Office address is Muskogee, I. T. My family consists of the following named persons: Myself (4 3 grand) and children, as follows:

Anna E. Shoemaker, (now Hightower) aged 22 years,
and her three children, James H.

Bonnie, Jennie, Pearl,

Cyrus D. Shoemaker,

aged 17 years,

Richard E. Shoemaker,

aged 14 years,

Harriet W. Shoemaker,

aged 12 years,

Della F. Shoemaker,

aged 10 years.

Julia Shoemaker,

aged 6 years.

Paul E. Shoemaker,

aged 3 years.

WITNESS my hand this 18th day of August 1896.

James D. Shoemaker.

By his Attorney, W. P. Weaver.

Indian Territory,)
Creek Nation.) ss.

Personally appeared before me the undersigned authority, James D. Shoemaker, to me known to be the petitioner in the above petition, who being by me first duly sworn, upon his oath says that he is the petitioner in the above petition, that he has read (or heard read) the said petition, and that the facts stated therein are true, as he verily believes.

James D. Shoemaker.

Subscribed and sworn to before me at Muskogee, I. T., this 18th day of Aug. A. D. 1896.

W. A. Gibson,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

Personally appeared before me the undersigned authority, J. W. Shoemaker, who being by me first duly sworn, upon his oath says as follows:

I am about 62 years of age. My Post office is Webbers Falls Ind Ter. I am a citizen of the Cherokee Nation by blood. I am a grand son of Annie Shoemaker the wife of John Shoemaker and mother of John A. Shoemaker, who held a reservation in Jackson County Alabama. My father, John A. Shoemaker had five children, viz: W. H., James P., Eli B., John W., and Elizabeth Ann. The old man James D. Shoemaker, is a son of my full sister Elizabeth Ann Shoemaker, and his family is correctly set forth by name and age in his application. They are all Cherokees by blood, and entitled to be enrolled on the Cherokee rolls as such.

J. W. Shoemaker.

Sworn to and subscribed before me this August 20 1896.

J. C. Buchanan.

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKE FOR CITIZENSHIP IN THE CHEROKEE NATION OF INDIANS.

United States of America,)
Indian Territory,) ss.
Northern District.)

Personally appeared before me the undersigned authority,

W. H. Shoemaker, who being by me first duly sworn upon his oath says as follows:

My age is 71 years. My Post Office is Webbers Falls, Ind. Ter. I am a Cherokee citizen by blood. I am a grand son of Annie Shoemaker the wife of John Shoemaker, who appears on the Roll of the Cherokee Tribe for the year 1817. My father's name was John A. Shoemaker, commonly called Jack. He had five children, viz: William H., James P., Eli B., John Wesley, and Elizabeth Ann. The claimant James D. Shoemaker is a son of Elizabeth Ann Shoemaker, a full sister of mine, and a grand daughter of the said Annie Shoemaker, wife of John Shoemaker aforesaid. The names of the claimant's children and their ages as appears in his application are correct, and are the lawful issue of the said claimant. I was admitted a citizen of the Cherokee Nation in 1883 by Act of the Teehee Court, since which time I have been recognized as a full citizen of the Cherokee Nation, have drawn my per capita in all payments, and have held the position of Circuit Judge of Canadian District, and am now living and holding property as a Cherokee citizen in Canadian District, Cherokee Nation, Indian Territory. My grand father and grand mother John and Annie Shoemaker held a reservation as Cherokee Indians in Jackson County, Alabama, near Crow town, for which the Government agreed to pay the sum of \$7680.00 on or about January 2, and March 22, 1847.

W. H. Shoemaker,

Sworn to and subscribed before me this August 18, 1896.

W. A. Gibson,

(Seal)

Notary Public.

IN THE MATTER OF THE APPLICATION OF JAMES D. SHOEMAKER FOR CITIZENSHIP IN THE CHEROKEE NATION.

Personally appeared before me the undersigned authority, James D. Shoemaker, who being by me first duly sworn, upon his oath says as follows:

My age is 45 years. My Post Office is Muscogee, I. T. I live in the Cherokee Nation ten miles East of Muscogee, I. T. I am the claimant in the application hereto attached. I am the great grand son of Annie Shoemaker, the wife of John Shoemaker, who held a reservation in Jackson County, Alabama, as Cherokee Indians. I am the grand son of John A. Shoemaker, and a son of Elizabeth Ann Shoemaker, and the nephew of W. H. Shoemaker and J. W. Shoemaker, who are citizens of the Cherokee Nation and residents of Canadian District. The names as set forth in my application, viz: Annie E., Cyrus D., Richard E., Marion E., Delia E., Junia, and Paul E., are my children, and James H., Jesse, and Pearl are my grand children and children of my daughter Annie E. Hightower. We and each of us are Cherokee Indians by blood and the true lineal descendants of Annie Shoemaker, wife of John E. Shoemaker, aforesaid. I made application to the Teehee Court in the Cherokee Nation for citizenship under the old law in the year 1884, furnished my proof, which is of record at Tahlequah, I. T., and which the Cherokee authorities now refuse to give me a transcript of. After baffling me for about two years they then told me that I was rejected, hence this application.

James D. Shoemaker.

Sworn to and subscribed before me this August 18, 1896.

(Seal)

W. A. Gibson,

Notary Public.

Endorsements as follows:

No. 3161.

Application of
James D. Sheemake
for Citizenship with
Cherokee Nation of
Indians.

Filed Sept 4- 1896.

A. S. McKennen,
Comr.

Rejected.

W. F. Beaver,
Atty. for Claimant.
Copy.

APPLICATION FOR CITIZENSHIP.

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen: The undersigned your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation, accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James D. Sheemake is the great grand son of one Annie Sheemake, and grand son of John A. Sheemake, and son of Betisia A. Sheemake, who the undersigned firmly believes was duly enrolled on the Census Rolls of Cherokees by blood. citizens of the Cherokee Nation, then and made in the year 1835-46-51-52, and "Old Settler." The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his application shall be truly heard and tried in accordance with the aforesaid law.

Age, 36 years; Post Office, Webber's Falls, I. T., family with their relationship attached is as follows:

No. :	Names.	Sex	Age	Relationship.
1 :	John H. Sheemake	Male	15 :	Son
2 :	Anny E. Sheemake	Female	13 :	Daughter.
3 :	Cyrus D. Sheemake	Male	8 :	Son.
4 :	Richard D. Sheemake	"	5 :	"
5 :	Marion F. Sheemake	"	2 :	"

In witness whereof which application I hereunto set my hand this the 19th day of August, 1887.

James D. Sheemake,

Boudinet & Rasmus, Attorney.

Copy.

JAMES D. SHEEMAKE,
VS.
CHEROKEE NATION.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Aug. 4, '88.

J. W. Sheemake, who, being duly sworn upon his oath states: I am 54 years of age. I live in Canadian District, C. N. I am a Cherokee citizen by blood. I am acquainted with James D. Sheemake, the applicant. I first knew him in Alabama, when he was a child in Jackson County, in the old Nation. He is now about 36 or 37 years old. His mother was my sister, Betty Ann Sheemake. She was a Cherokee. She derived her Cherokee blood from her father, John A. Sheemake, and he from Annie Sheemake. James D. Sheemake, the applicant, is now residing in Canadian District, C. N. His mother is dead. She died in, I reckon, about the year 1852. She had other children that were living the last time I heard of them. Betty Ann's proper name, the mother of applicant, was Elizabeth Ann. James D. Sheemake, who is now here, is the applicant in this case. I have brothers in the Nation. W. H. Sheemake, now present, is my brother. I recognize James D. Sheemake, the applicant as the son of my sister, Betty Ann, and my nephew.

CROSS-EXAMINATION.

When I spoke and said Betty Ann had other children than James, the applicant, one was elder and one was younger, both were boys. One was named John and the other George Sheemake. These two boys, John and George Sheemake, were living in Texas the last I knew of them.

RE-DIRECT-EXAMINATION.

I did not know the father of the children of Betty Ann's children, James D., John and George, took the name of their mother-Sheemake.

Attest: Connell Rogers.

Clerk Commission on Citizenship

Copy.

JAMES D. SHEEMAKE,
VS.
CHEROKEE NATION.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Aug. 3, '88.

W. H. Sheemake, who being duly sworn upon his oath states: I am 63 years old, and a resident of Canadian District, and am a citizen of the Cherokee Nation by blood. I am acquainted with the applicant James D. Sheemake. He is now residing in Canadian District C. N. I have known him ever since he was a child. His mother was a sister of mine. Her father and mother were, as also mine, John A. and Elizabeth Sheemake. My father used to live in what is called Jackson County, Alabama. My sister Betty Ann-Elizabeth Ann-recognized James D. Sheemake as her son. I recognize him as my nephew. He is about 37 or 38 years old. I am acquainted with his family; his wife named Lina, a white woman. The children are John, Annie, Jack, Richard and Frederick Sheemake, and infant not remembered, aged respectively about 16-14-12-8, and 3 years.

CROSS-EXAMINATION.

The applicant, James D. Shoemaker, was born in Jackson County, Ala. I left there in 1849. The first time that I saw him, he was about 5 years old. His grand mother, Elizabeth Shoemaker, brought him to Texas. She recognized him as being the son of Betty Ann Shoemaker, and her grand son. I don't know who the father of James D. Shoemaker was, he, James, took the name of his mother. The wife of James D. Shoemaker was a white woman, and her maiden name was Lena Baker. She had no family before she married the applicant. The children above mentioned as James D. Shoemaker's, are full brothers and sisters. The mother of applicant has been dead, I expect, about 30 years. She died in Alabama on the old reservation. I never saw my sister Betty Ann, or Elizabeth, after the applicant was born. She wrote me concerning him previous to her death.

RE-DIRECT-EXAMINATION.

I was recognized as a citizen on the 5th day of January, 1883. I held the office of Circuit Judge of the Southern Judicial District.

Attest: Connell Rogers,

Clerk Commission on Citizenship.

-----:OII-----

Copy.

JAMES D. SHOEMAKER,)
VS.)
CHEROKEE NATION.)

OFFICE COMMISSION ON CITIZENSHIP,

Tahlequah, Ind. Ter., Aug. 3- 88.

James D. Shoemaker, who being first duly sworn in the matter of the identification of his children says:

I am 36 years old. I am the applicant in the above case. I have 6 children- 5 named on the application- named John Henry, Annie Eliza, Cyrus Daniel, Richard B., and Marion Frederic Shoemaker, aged respectively 16- 14- 10- 6 and 2 years. They are all at home in Canadian District, C. N.

CROSS-EXAMINATION.

All of the abovesaid children are the offspring of myself and present wife. My wife's maiden name was Angeline Barker, sometimes called "Lina." She had no family before I married her. I was born in Jackson County, Alabama. I left there in 1856. I think my grand father, John A. Shoemaker, who died in Jackson County, Alabama, must have died a year or so before I was taken away from there.

Attest: Connell Rogers,

Clerk Commission on Citizenship.

Being all the testimony before the Adair Commission.

Copy.

DOCKET B, PAGE 51.

JAS. D. SHEEMAKE.
OFFICE COMMISSION ON CITIZENSHIP, TAHLEQUAH, C. H. AUG. 20TH, 1887.

Docket No.	Names.	Age	Sex.	Post Office	Attorney.
338	1 : Jas. D. Sheemake	35	Male	Webber's Falls,	
	2 : John M. Sheemake	15	"	I. T.	Boudinet &
	3 : Annie E. Sheemake	15	Female		Rasmus.
	4 : Cyrus D. Sheemake	8	Male	Applicants for	
	5 : Richard M. Sheemake	5	"	Cherokee Citizen-	
	6 : Marion F. Sheemake	2	"	ship.	
				Census Rolls 1835	
				142- 51- 52.	
	vs.				
	Cherokee Nation.			Ancestor.	
	Filed Aug. 20th, 1887			Annie Sheemake.	

COMMISSION ON CITIZENSHIP.

C H E R O K E E N A T I O N, I N D. T E R.

Tahlequah, Oct. 25th, 1888.

JAMES D. SHEEMAKE, ET AL,)
vs.
CHEROKEE NATION. }

Now, on this, the 25th day of October, 1888, comes the above case up for final disposition, it having been submitted by the plaintiff's attorney, E. C. Boudinet, Jr.

The application, as well as the testimony in this case, alleges one Annie Sheemake as the Cherokee ancestor of the applicants, and that she was of Cherokee blood, and that her name will appear on some of the Rolls of Cherokees, east.

We, the Commission on Citizenship, having carefully examined the Rolls laid down in the 7th Section of the law of Dec. 8th, 1886, in relation to citizenship, for the name of Annie Sheemake, but fail to find the name enrolled thereon in any shape, though it is in proof that these parties were in Jackson County, in the State of Alabama, up as late as the year 1864. The testimony of W. H. Sheemake, who is Judge of the Southern Judicial District of the Cherokee Nation, and uncle to the applicant, James D. Sheemake, who is the son of Betty Ann Sheemake, who was the full sister of W. H. Sheemake, goes to show that he was re-admitted to citizenship in the Cherokee Nation on the 5th day of January, 1883, by the Tahse Commission on Citizenship, and that he now holds the office as Circuit Judge, as stated, of Canadian District.

In the absence of the Rolls of 1848, 1851, 1855 and 1858 of Cherokees, taken in the Old Nation, in the states of North Carolina, Georgia and Alabama, containing the names of the ancestor, Annie Sheemake, or that of the applicants themselves, we cannot grant citizenship to these applicants, for the law says "Such applicant must be a person, or the lineal descendant of a person, whose name appears on the Census Rolls of Cherokees taken by the United States, after the Treaty of 1835," and before mentioned, which in this case is clearly shown that they do not.

We are of the opinion, therefore, that this case is enshrouded in some way, that we cannot find out just how it is, and, if Cherokees, as some would naturally suppose from the fact that some of this family had proven to the satisfaction of the Tahoe Commission in 1883 that they were, that their names would appear in some of the Rolls of Cherokees already mentioned, and as other Cherokees do, who were living in Alabama at the same time these parties were.

James D. Shocake and his four children, namely: John H. Amy E., Cyrus D., Richard E., and Marion P. Shocake, are not Cherokees under the law of Dec. 8th, 1886, in relation to citizenship, consequently not citizens of the Cherokee Nation.

J. T. Adair, Chairman Commission.
D. V. Lipe, Commissioner.
H. C. Barnes, Commissioner.

Copy.

AFFIDAVIT used in the case of William L. Shocake, the rejected applicant of the same family, the witness living without the limits of the Indian Territory.

STATE OF KANSAS)
COUNTY OF CHEROKEE) ss.

In the matter of the claim of Margaret A. Buffer and family to the right of citizenship in the Cherokee Nation.

Personally appeared before me this 27th day of March, 1888, John H. Mays and Patrick Alwerth, who being first duly sworn, depose and testify as follows:

We were both intimately acquainted with J. F. Krendine, deceased. Knew him in Galena, Cherokee County, Kansas, since 1868 up to the time of his death in May, 1887. Knew him to be a man of good moral character, sound mind, good memory, and his reputation for truth and veracity was of the best. Considered him as an honest, straightforward, good, moral, upright man. We further certify that we are in no wise interested in this case, and we are not interested in its prosecution.

WITNESSES:

John H. Mays,

S. L. Manlen.

Patrick Alwerth.

Sworn and subscribed to before me this 27th day of March, 1888, and I certify that the above witnesses personally appeared before me and made oath to above affidavit. They are not in any way related to claimant, and their statements are entitled to full credence.

(Seal)

S. L. Manlen,
Notary Public.

Commission expires Sept. 2nd, 1891.

Copy.

STATE OF KANSAS,)
CHEROKEE COUNTY.) ss.

J. F. Krendine, being first duly sworn on his oath, deposes and says:

My name is J. F. Krendine. I reside at present in Jasper County

State of Missouri. My age is 78 years. I was born in Overton County, State of Tennessee, on Chayer Creek, January 4th, 1808, and was well acquainted with James Smith, who was called by the Cherokee Indians there, Buck Smith. I also knew his mother, whose maiden name was Nancy Ann Shewake, and his father's name was Sanders Smith, and they were both Cherokee Indians. They had three children whose names were Buck or James, Nancy, and Jordan Smith. Buck or James Smith married Polly Goodline, who was my sister. They had children whose names were Harvey, Lucinda, Martha, John, Emily, Mary, Charity, and Nancy. Lucinda Smith was married twice. Her children are both of her husband's. Her first child was named Margaret who married Richard Puffer. Lucinda Jane married George Brown. She had five other children named James, Ervin, William, Wayne, Kirkham, Louisa, and Sarah. The last five bear the name of N. Darold, and all of the children were Cherokee Indians by blood, descendants of Lucinda Smith.

I know the above facts from my own personal knowledge.

Witness my hand this 9th day of December, 1881.

J. F. Goodline, x his mark.

Witness his mark,
A. H. Roberts,
Ida J. Atkins.

Subscribed and sworn to before me by J. F. Goodline this 9th day of December, A. D. 1881.

(seal.)

W. M. Matheny,
Notary Public.

My commission expires as Notary Public was issued Oct. 6th, 1881 and expires Oct. 6th, 1885.

W. M. Matheny.

I certify that J. F. Goodline above named, is of sound mind and good memory.

W. M. Matheny,
Notary Public.

---11011---

Copy.

Affidavit of Wilson Barker used in the J. D. Shomake case before the "Spears Commission."

OFFICE COMMISSION ON CITIZENSHIP.

TANLEMAN, C. W.

IN THE CASE OF J. D. }
SHOMAKE AND W. C. }
SHOMAKE, }
VS. }
THE CHEROKEE NATION. }

WILSON BARKER BEING in testimony and sworn in open court states as follows:

My age is 43 years. I reside in Tahlequah, C. H. My post office address is Tahlequah.

I was solicitor of the Citizenship Commission at the time W. H. and John W. Shoemaker were admitted to citizenship. Tom Tabor, president, Alex Wolf, Tom Thompson composed the Commission on Citizenship.

They were rejected first by the Commission and afterwards admitted. They were admitted during the same term that rejected them. If I'm not mistaken. I can't state just how long afterwards. I can't remember what the grounds was that the Commission gave them a hearing. I don't think they notified us of the fact that they were going to reconsider the case again. There was no more evidence produced in the case after I submitted it the first time. They did not ask me to re-submit the case again on the part of the Nation. They just said they were going to re-consider the case again. There were no arguments made in the case. After it was taken up the second time. It was on the 28th day of January that the case was decided. There was evidence introduced in the case after the first time. The first decision made by the Commission was adverse to the claimants.

I heard that they were to re-consider the case. They didn't ask me to introduce any more evidence. It was about two weeks or so after the claimants was rejected when their case was re-considered and they were admitted.

Wilson Sanders/

Sworn and subscribed before me on this the 29/04.

G. O. Frye,
Com. Ctt.

-----11011-----

Copy.

Affidavit of Judge Riley Keys, used in the case when before the "Spear's Commission."

COMMISSION ON CITIZENSHIP.

TAHLEQUAH, C. H.

Sept. 14th, 1902.

W. H. Shoemaker, et al.,
and John W.

vs.
Cherokee Nation.

Sept. 14th, 1902.

Judy Riley Keys, the first witness on the part of the Cherokee Nation after being duly sworn testifies:

I am sixty-seven years old. I am a citizen of the Cherokee Nation. Live in Tahlequah. Occupation, a farmer.

Q. Sol.

Do you know anything about the Shoemaker family.

The first time I saw him was last March, two years ago. He told me that his name was Shoemaker. That was the first time I had seen him. Though I have of the Shoemaker almost as far back as I can recollect. I have heard the old folks talking of them. I have heard my father and other old men speaking of them, and that they had claimed by the Cherokees, but had never been acknowledged as such, as claiming to be Cherokees.

---Sel. Do you know a woman by name of Anna Sheemake?
 No, I do not.
 Objected to by
 defense, Did the old folks say of what tribe they were?
 C.R.Taylor.
 A. They say they were Kiteba.

Taylor: The statement that you have made here is from what you have heard only, is it?
 Yes, but I believe it to be true, as it was from good men.
 ----Sel. Why did the old folks speak, or what was the occasion for speaking of these folks?
 Because they were claiming a right, I suppose.
 ---Ct. I heard the old people speak of these folks both in the old country and in this country.

Riley Keys.

In conversation with Jo Pereman he told me that the Sheemakes and Oxendynes had claimed to be Cherokees for a long time, but had never been recognized to be such by the Cherokee people. From my opinion they have not a shadow of right to citizenship. (Objected to.)
 The Court strikes out that the claimants have not a shadow of a right to citizenship.
 Sel. Did you know the given names of these Sheemakes?
 No, I did not know their given names, but had only heard them spoken of as Sheemakes and Oxendynes.
 Sel. From what part of the old Nation did you come?
 A. From Creek Path, North of Alabama.
 Sel. Did you know the creek in that country called Crow Creek?
 Yes, I have been there- Sam Keyes live there.
 Sel. Did a family live on that creek by name of Sheemake?
 A. It is my belief that there was. I have heard father speak of them often.

-----:O:-----

OFFICE COMMISSION ON CITIZENSHIP.

TANLEQUAH, C. H.

Hon. D. W. Bushyhead,

Principal Chief, C. N.

Report of Spears' Commission in this case.

Dear Sir:

In the case of W. C. Sheemake, et al, vs. Cherokee Nation, petitioners for citizenship in the Cherokee Nation, W. C. Sheemake claims to be the son of W. H. Sheemake, who was admitted to the rights of citizenship in the Cherokee Nation by the Thomas Tehee Commission, in the 25th day of January, 1885. And J. D. Sheemake, et al., who claim to be the son of Betsy Ann Sheemake, who was a full sister to J. W. Sheemake and W. H. Sheemake, who were admitted to citizenship in the Cherokee Nation by the Thomas Tehee Commission, on the 25th day of January, 1885.

The Commission, after a careful examination of the evidence in the said case of W. C. Sheemake and J. D. Sheemake, decide that inasmuch as the Docket and Records of the said Thomas Tehee Commission show that the said J. W. Sheemake and W. C. Sheemake were admitted to all the rights, privileges, and immunities as other native born Cherokees within the limits of the Cherokee Nation, on

the 25th day of January, 1883.

The Commission finding the above mentioned cases of J. D. and W. C. Sheemake upon the said records of the said Tehee Court or Commission, as above stated, could not legally decide to reject the said cases of W. C. Sheemake, et al, and J. D. Sheemake, et al.

But at the same time, believing that the said W. C. Sheemake and al. and J. D. Sheemake, et al, are not Cherokees by blood, and that the said J. D. and W. C. Sheemake whose respective cases were decided by the Thomas Tehee Commission on the date above mentioned, was a fraud committed upon the Nation by the said parties; we would therefore ask and recommend that the said cases of J. W. and W. H. Sheemake be reinvestigated by the National Council, believing that the said J. W. and W. H. Sheemake obtained their rights through fraud.

We would also refer the cases of W. C. Sheemake, et al, and J. D. Sheemake, et al, to the National Council.

We remain very respectfully,

Attest:

Eli Speers, President.

C. O. Frye,

Andrew Young, Com.

Clk. Com.

John Lee, Com.

This the 27th day of September, 1884.

EXECUTIVE DEPARTMENT OF

CHEROKEE NATION.

I, John L. Adair, Executive Secretary of the Cherokee Nation do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct transcripts and copies therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this the 31st day of September, 1896.

(SEAL)

John L. Adair
Executive Secretary.

Counsel for the Cherokee Nation here offer in evidence page 39 of the Docket of the Commission on Citizenship known as the Tehee Court, which contains the original judgment admitting W. H. Sheemake and which, by inspection, shows that the last five and one-half lines of the said judgment have been erased as originally written, and that the present judgment was re-written over said erasure, corroborating the statement of Wilson Sanders, that the Court reconsidered, for some inexplicable reason, its first judgment of rejection, and afterwards entered one for re-admission.

Hutchings, Hastings & Boudinet.
Attys. for C. N.

In the matter of J. D. Sheemake, applicant for citizenship, D. W. Bushyhead being introduced and sworn states as follows: My age is _____ years. I reside in Tahlequah and my P. O. address is Tahlequah. I never knew any Sheemakes that were Cherokees by blood. I know a lot of Sheemakes that lived in Cal. They went from

Scott Co. Ark., to California, and in that country they claimed to be Cherokees, but they were darkers. They claimed to be Cherokees among the white people there who didn't know them, but to me they did not claim it because I knew them. There were Shoemakes who made application in 1840 or 41 for citizenship, and were rejected, and moved back into Arkansas. There were two families Shoemakes and Shoemakes, who claimed to be Cherokees, but their hair was kinky, and at that time they, I understand that there was a law in Arkansas that no free negroes could live in Arkansas and they moved to California. John Ross was Chief of the Cherokee Nation at the time they made their application, and if I'm not certain my recollection is Mr. Ross was Clerk of the Committee, and they were rejected by Council out of the country. It was before the Council that they were rejected. As well as I remember there was twenty or thirty of the two families who claimed to be Cherokees, when I knew them in California. And if the Court wishes I can get the affidavit of a man who was a member of the Committee when they were rejected.

D. W. BUSHYHEAD.

Sworn and subscribed before me this the 21 day of September, 1896

(Seal)

D. J. Ball,
Notary Public.

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY. }

A F F I D A V I T.

Personally appeared before the undersigned, John L. Adair, a citizen of the Cherokee Nation, resident of Tahlequah, I. T., who, on his oath states that Wilson Sanders and Judge Riley Keys, copies of whose ~~subscribed~~ affidavits are attached to the proceedings in this case of James D. Shoemake, are both dead.

John L. Adair.

Subscribed and sworn to before me this the 21st day of September, A. D. 1896.

D. J. Ball,

Notary Public.

My commission expires _____

Before the Honorable, Henry L. Daves, Frank C. Armstrong, A. S. McKemmen, T. B. Cabaniss, and A. B. Montgomery / Commissioners.

In the matter of application of
James D. Shoemake.

Nation's No. 3145.

Commission's No.

for citizenship in the Cherokee Nation.

Your respondent, H. H. Hayes, Principal Chief of the Cherokee Nation, comes now and denurs the said application, and for the grounds thereof, says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts, sufficient, if true, to show that the applicant is entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Anna Sheemake through whom the petitioner claims to derive his right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that her name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Respondent, for a further and complete defense to the aforesaid Application says: That heretofore, said applicant made application before a legally constituted court or Commission on citizenship, having jurisdiction over applications for re-admission to citizenship in the Cherokee Nation. That the said case was tried upon its merits, that upon a final hearing, judgment was duly given against the applicant and in favor of this Nation, Oct. 25, 1896. A duly certified transcript of the aforesaid proceedings and judgment are annexed hereto and made a part of this answer.

Having fully answered, your respondent asks to be hence dismissed.

S. H. MAYES, Principal Chief
Cherokee Nation.

By Hutchings, Hastings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair.

Subscribed and sworn to before me this, the 22 day of Sept. 1896

(Seal)

D. J. Edl,
Notary Public.

Endorsements as follows:

Nation's No. 5145.
Commission's No.
In re Application of
James D. Sheemake
et al.

Demurrer and Answer.
Filed Sept. 26, 1896.
A. S. McKennon,
Com'r.

MR. HUTCHINGS: We also introduce the judgments of the Commission in the said cases 3161, 3162, 3163, 3164 and 3165, found on the following pages of the Commission's records:

No. 3161, James D. Sheenake, vs. Cherokee Nation, filed September 4, 1896; answer filed, application denied, Vinita, I. T. October 16, 1896, page 30.

The record is as follows:

3161
James D. Sheenake, Filed, Sept. 4, 1896. Answer filed.
vs. Application denied.
Cherokee Nation. W.F. Beaver, Atty. Muscogee, I.T.

No. 3162, Mary J. Sheenake, vs. Cherokee Nation, filed September 4, 1896. Answer filed. Application denied, Vinita I. T., October 16, 1896., page 30.

The record is as follows:

3162.
Mary J. Sheenake, Filed Sept. 4, 1896. Answer filed.
vs. Application denied.
Cherokee Nation. See 3161

No. 3163, George W. Sheenake, vs. Cherokee Nation. Filed September 4, 1896. Answer filed. Application denied. Vinita Indian Territory, October 16, 1896.

The record is as follows:

3163
George W. Sheenake, Filed Sept. 4, 1896. Answer filed.
vs. Application denied.
Cherokee Nation. See 3162.

No. 3164, James P. Sheemaker vs. Cherokee Nation. Filed September 4, 1896. Answer filed. Application denied. Vinita, Indian Territory, October 16, 1896.

The record is as follows:

3164 :
James P. Sheemaker : Filed Sept. 4, 1896. Answer filed.
vs. : Application denied.
Cherokee Nation. :
See 3162.

No. 3165, Lula B. Sheemaker and Eddie Cole Sheemaker, by their next friend W. H. Sheemaker, vs. Cherokee Nation, Filed September 4, 1896. Answer filed. Application denied, Vinita I. T., October 16 1896.

The record is as follows:

3165 :
Lula B. Sheemaker and Eddie :
Cole Sheemaker, by their next : Filed Sept. 4, 1896. Answer filed.
friend, W. H. Sheemaker, : Application denied.
vs. :
Cherokee Nation. :
See 3162.

The record in the above cases fails to disclose that any appeal was taken from the decision of the Commission.

JUDGE THOMAS: We object to the introduction of these records on the ground that they are in no way responsive to the issues in this case; that they are records made without his consent; that they are made eight years after the judgment admitting them to citizenship in the Cherokee Nation by the Teehee Commission; and for other objections?

BY COMMISSION: The objection of the attorney for the applicant will be noted, the records introduced, and considered for what they are worth.

JUDGE THOMAS: We except to the ruling of the Commission.

The hearing of the case was then continued to 1:30 P. M. of this date.

At 1:30 P. M., same date, the following proceedings were had.

MR. HUTCHINGS: The Nation says they are ready for the present. But we do not want to close the case because we expect to have additional testimony.

JUDGE THOMAS: We Object to any continuance of the case, on the ground that there has been nothing shown outside of the testimony which is even calculated to cast suspicion upon this case.

WILLIAM H. SHOEMAKE, being first duly sworn, testified as follows:

JUDGE THOMAS: State your name, age and residence.

A. William H. Shoemaker, I live seven miles south of Webbers Falls, Canadian District.

Q. Your age? A. Seventy-seven years old.

Q. Are you the applicant for admission to Cherokee citizenship in this proceeding? A. I am one of them.

Q. Did you make application for admission in the Cherokee Nation in January, 1883?

A. No, I don't think I did. I made application before 1883, some time, I don't recollect what time, exactly.

Q. Did you prosecute that application, or was it subsequently withdrawn? A. The first application was withdrawn.

Q. Then you filed an amended and supplemental application, and the case was reinstated? A. Yes sir.

Q. When was that? A. I don't recollect just what year.

Q. About what year? A. In 1882. I think it was.

Q. January 4, 1882. You were admitted to citizenship in the Cherokee Nation, were you, by the Commission composed of Teebe, Wolfe and Thompson? A. Yes sir, I have got a certificate to that effect.

Q. State whether or not you enjoyed the rights of citizenship in the Cherokee Nation, from that time up to when?

A. Up until the 14th of last August, one year ago. I am still enjoying them.

Q. But that is when it was called in question? A. Yes sir.

Q. In prosecuting your claim for citizenship in the Cherokee Nation, did you, either directly or indirectly, offer the Commission any consideration, any money, or property or anything else, for being admitted as a Cherokee citizen? A. Not at all, nothing, not a cent.

Q. Did you by any unfair means attempt to get on?

A. I did not, sir.

Q. Did you approach any one of the Commission, or any officer connected with it? A. No sir.

Q. Did you offer anyone else a reward for your being admitted to Cherokee citizenship? A. No sir, I never did the least thing, anything like it.

Q. Do you know of anything of the kind being done? A. No sir.

Q. Ever hear of its being done? A. I did not.

Q. Have you held any office in the Cherokee Nation after your admission as a Cherokee citizen? A. Yes sir.

Q. What was it? I was elected Circuit Judge of Canadian District, and held the office for four years.

Q. Did you try any case in your court during the four years?

A. Yes sir.

Q. Cases involving property rights? A. Yes sir.

Q. Other financial considerations? A. Yes sir.
 Q. Who were those trials between, citizens of the Nation?
 A. Citizens of the Cherokee nation of all the different districts.
 Q. You held court in the different districts? A. Only in Canadian.
 Q. You held court in the different places in the circuit.
 A. No sir, just one place, just in one district. Canadian District. I held court at the court house in Canadian District.
 Q. Were you present at the time the Commission decided your case?
 A. No sir.
 Q. Where were you? A. At home.
 Q. Who was your attorney? A. Campbell and Taylor.
 Q. Have you spoken to anyone else in connection with the case?
 A. I have talked a little to Mr. Bengé, but never made any proposition.
 Q. Did you ever pay him any money? A. Never did.
 Q. Did you give him any authority to look into the case?
 A. I told him to go and examine the case.
 Q. Was he a practicing attorney at that time? A. No sir.
 Q. As an attorney before the Commission? A. I don't think he was.
 Q. Did you authorize him to offer any corrupt consideration or any consideration, for favorable action in your case?
 A. No sir, not a cent.
 Q. How did you learn that you had been admitted to citizenship?
 A. Mr. Campbell Taylor sent a man down to my house, and notified me that the Commission had admitted me to citizenship, and wanted me to go up and identify my children. They had no evidence or proof that the children were Cherokee.
 Q. Did you identify your children? A. Yes sir.
 Q. Are you a Cherokee by blood? A. I am. I am recognized by those that know.

MR. HUTCHINGS: He was your attorney when you made the application and it was withdrawn. A. Mr. Taylor was, that is all the attorney I had.

Q. Didn't Mr. Taylor's connection with the case cease after that?
 A. Not until after I was notified that I was admitted.
 Q. Were you ever notified that you were rejected?
 A. Yes sir, I think I was.
 Q. Who notified you? A. I think Taylor wrote me a letter.
 Q. Did you go to Talequah between the date of your rejection and the date of the reinstatement of your case, and the decision in your favor?
 A. Yes, I think I did between the two dates.
 Q. Are you certain of that? A. Yes, I think I was there between the two dates.
 Q. Who did you talk with while you were there?
 A. With Mr. Bengé and with others. I don't know who all. I talked with Bengé about what he had heard.
 Q. How many days intervened between the time you were denied and the time you were afterwards admitted?
 A. Must have been some time, I could not tell you, a month or two I reckon before I was notified.
 Q. A month or two before you were notified? A. I think so. I would not be positive. It might have been two years, I can't recollect.
 Q. You were not present, then, at the rendition of either of the judgments, for or against you? A. No sir, I was not. I left the business with Mr. Taylor.
 Q. Did you instruct Mr. Taylor, or anybody anything about how to get you in here? A. No sir, I went to see him, and thought the Commission was prejudiced against me, some evidence we had.
 Q. You discharged him then? A. I didn't discharge him at all. I afterwards told him to take a certified copy of the evidence, I think, as well as I recollect, I told him I would appeal to the Secretary of the Interior, that is my recollection.
 Q. You did not authorize him to take any further steps before the Commission.

A. I never told him to go on, or told him to stop.
 Q. You just let him alone? A. I employed Taylor in the start, and agreed to pay him for his work, and Mr. Taylor worked for me.
 Q. Then, if I understand you, you never authorized anybody to file a motion for rehearing before the Commission?
 A. I expect I did, but do not recollect it, it was long ago.
 Q. If you authorized anybody it was Taylor?
 A. If I authorized anybody it was Taylor, but I do not recollect whether I did or not. I am certain I told him to get a certificate, get a certified copy of the evidence, but I don't think I discharged him at all.
 Q. You don't know whether Taylor was there when either of the judgments were rendered? A. I don't know anything about that, for I was not there. My recollection is that I did not discharge Taylor at all.

Q. JUDGE THOMAS: Did you authorize your attorney to do what ever was necessary and proper in your case?
 A. He was to work for me and get my certificate.
 Q. You had employed him? A. Yes sir, for a certain amount.
 Q. In your answer there that you stated you had employed him to get your certificate, what did you mean?
 Q. I employed Taylor, and give him a hundred dollars, if he would get me a certificate of citizenship/ I would give him a hundred dollars when he had it.
 Q. You would give him a contingent fee, that is what you mean?
 A. Yes sir.

THOMAS F. THOMPSON, being first duly sworn, and being examined, testified as follows:

JUDGE THOMAS: State your name. A. Thomas F. Thompson.
 Q. You were a member of the Tee Commission, Cherokee Nation, for the investigation of applications for Cherokee citizenship?
 A. Yes sir.
 Q. You remember the application of William H. and John W. Shoemaker before that Commission?
 A. Yes sir, I remember them being before the Commission.
 Q. I wish you would state to the Commissioner whether or not there was offered to you, or you received, by either of the applicants, or their attorney, or anyone else, any money or other consideration for favorable action in this case? A. No sir.
 Q. Were there any improper means employed to induce you to render a favorable judgment in that case? A. No sir, none at all.
 Q. Will you look at this record, is that your signature? A. No sir.
 Q. Was it signed by your authority? A. I suppose it was, I think it was.
 Q. What was your custom with reference to signing these judgments? This is the case, you see, of W. H. and John W. Shoemaker against the Cherokee Nation. Does that properly represent the action of the Commission? A. Yes sir.
 Q. Is that a proper and legal judgment? A. Yes sir.
 Q. Was it rendered, was it tried legally, on legal evidence, before you, and without any improper motive? A. I think so.
 Q. Was this a proper judgment of the Commission. A. Yes sir.
 Q. Do you know whether Teece and Wolfe are living or dead?
 A. I understand both of them are dead.

MR. HUTCHINGS: Mr. Thompson, did you ever see that judgment before? A. Yes sir, I think I have.

Q. When? A. Just after it was rendered.
 Q. Did you ever see the first judgment rendered in that case?
 A. No sir.

Q. Do you know whether any was rendered or not? A. No sir.
 Q. Don't you know that these people were denied citizenship, and a judgment entered denying them? A. No sir, not that I remember of.
 Q. Did you ever see such a judgment? A. No sir, not that I remember of.
 Q. Did you notice that five lines of the judgment had been scratched and rewritten, that the judgment denying them was written there first? A. I don't remember.
 Q. Can't you see it with the naked eye. Do you see where it is scratched? A. Yes sir.
 Q. Do you see where this name had been previously signed? A. That is not my signature, but I must have authorized it.
 Q. When you were present you always signed it yourself? A. Yes sir.
 Q. And that you could not have been there or else you would have signed it yourself. That judgment was written up there, and you signed it, denying these people citizenship, and you signed your name to it, and it was afterwards scratched out, as written by yourself, and then written by Mr. Duncan.
 A. That may have been, I could not say.
 Q. You have no personal recollection about that, except what you see in the book anyway? A. No sir.

JUDGE THOMAS: You mean that you have no personal recollection of the verbiage or the appearance of the book, of the judgment?
 A. That is it.
 Q. You have some recollection of the what was involved in the case?
 A. Yes sir.
 Q. Does this judgment as it stands now, represent the judgment as found by the Commission? A. Yes sir, I think so.
 Q. The final judgment. A. Yes sir.
 Q. Do you remember that they were admitted to citizenship?
 A. Yes sir, that has always been my belief.
 Q. You know? A. Yes sir.

MR. HUTCHINGS: Don't you know that they were rejected?
 A. I don't remember.
 Q. Do you remember that paper being filed before you as a court, moving to reconsider your first decision?
 A. Yes sir, that has been up for consideration.
 Q. Isn't it a fact that the judgment rendered when you were present was the one in which he was denied, and that you were not present at all when this last decision was made?
 A. It must have been, but I am under the impression that I was.
 Q. Run through that book, and let me show you how many times you have signed judgments. On page 43, is that your signature?
 A. Yes sir.
 Q. On page 54? That is mine.
 Q. On page 58. That is not my signature.
 Q. It was signed by Mr. Duncan because you were absent? A. Yes sir.
 Q. Page 62. A. That is mine.
 Q. You dissented there? A. Yes sir.
 Q. On page 63. A. That is not mine, I don't believe.
 Q. Do you have any recollection of authorizing anybody to sign your name to it? A. No sir, I do not.
 Q. Was there any reason in the world, when you were present presiding in a case, why you did not sign your own name?
 A. No, I don't know as there was. I may have authorized it, but I don't remember. I almost always signed it if I was there.
 Q. On page 67, that is not his signature, is it? A. No sir.
 Q. Signed by Mr. Duncan? A. Yes sir.
 Q. Page 70, that is signed by Mr. Duncan also? A. Yes sir.
 Q. Page 75 signed by Mr. Duncan. A. Yes sir.
 Q. Page 76, who is that signed by? A. That is mine.
 Q. Your own individually? A. Yes sir.

Q. Page 78? A. That is Mr. Duncan's.
 Q. Page 81? That is Mr. Duncan's.
 Q. Page 83? A. That is mine.
 Q. Page 92? A. That is Mr. Duncan's.
 Q. Then lower down on these, page, where is that? A. That is mine.
 Q. You have observed through that record, that you have signed a great many times yourself, and a great many times your name has been signed by Mr. Duncan. Have you any recollection as to the signatures other than furnished by the book itself? A. No sir, I don't remember.
 Q. That is all the recollection you have as to any of them is it, that you see them there in the book? A. Yes sir.

JUDGE THOMAS: The places where you have just seen your name signed by the Clerk, was it done under your authority?
 A. Yes sir, I think it was.

MR. HUTCHINGS: You have no personal recollection about it?
 A. No, it has been so long I don't remember about it particularly.
 Q. The only reason you have for thinking so is just because you see it signed that way, isn't it?
 A. I suppose it is. They were signed by my approval, or something of the kind.
 Q. You have no recollection in the world? A. No sir, I cannot remember it.

///v///s///d///

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

JUDGE THOMAS: State your name? A. D.W.C. Duncan.

Q. Give your age and residence.
 A. Age 72, reside in Vinita, Cherokee Nation.
 Q. You were the Clerk whose name appears in this record as D.W.C. Duncan? A. Yes sir.
 Q. Were you the Clerk of the Teehee Commission of the Cherokee Nation? A. I was.
 Q. Do you remember the case of W. H. Shoemaker, page 39.
 A. I remember the case.
 Q. Have you looked at this judgment? A. Yes sir.
 Q. Who recorded this judgment? A. I did.
 Q. Does it properly represent the judgment of the Commission?
 A. It does.
 Q. Was there anything paid to you by either of the claimants, or their attorneys or anybody else, in consideration of the judgment?
 A. Nothing at all.
 Q. Did you see this motion for a rehearing in this case, in your hand writing? Did you write that?
 A. I wrote it.
 Q. At whose instance? A. I don't know who applied for it, but I wrote it for the party.
 Q. Were you paid for writing that? A. No sir.
 Q. Did you do that in any other case?
 A. I don't recollect, might have done so.
 Q. I see the name there of T. P. Thompson signed to that. Do you know whose hand writing that is? A. That is in my own hand writing, as I remember it now.
 Q. By whose authority was that signed?
 A. By the authority of the respective commissioners.

Q. I see many cases in this book, where the names of the Commissioners are signed in your hand writing. State whether or not you ever signed an order or decree in this court except by the authority of the Commission? A. Never did.

Q. Tell the Commissioner whether this is an honest, straightforward judgment, or not, based upon the evidence before the Commission. A. It is, to the best of my knowledge.

Q. Do you know of any unfair means, bribery, or misrepresentation employed in this case, for the purpose of securing favorable judgment?

A. I do not.

Q. Did anyone offer you anything for participation in the case?

A. No sir.

Q. Did you receive anything, either from the applicant or from anyone else? A. No sir.

Q. Do you know of the Commissioners receiving anything. A. No sir.

Q. Did anyone ever offer to either of the Commissioners, any money, property, promises to pay for favorable consideration in this case? A. None that I know of.

Q. It is urged that part of this judgment has been erased, that there has something been written there and then erased and this written there. Explain that.

A. As to the erasure, I have no recollection, but I must have erased something apparently, but if it was erased it was to make the judgment in accord with the final decision of the court.

Q. Does it now represent the final judgment and finding of the Commission? A. It does.

MR. HUTCHINGS: What makes you think you were authorized to sign Mr. Thompson's name?

A. The Commissioner sat just across the desk at which I wrote, and whenever it came to sign the judgment, the judgment was read over carefully by myself, and each Commissioner severally authorized me to sign the name. That is, two of the Commissioners could not write, and they invariably authorized me to do it. Sometimes Mr. Thompson, the other Commissioner would sign his own name, and sometimes he would authorize me to do it. And that accounts for the variety of Mr. Thompson's signature, sometimes by himself, and sometimes by the clerk.

Q. Then you were mistaken this morning when you stated that Mr. Thompson always wrote his own name when he was present, and that signature right there is his?

A. I made that statement under the impression, and in view of the fact, that the Commission had authorized me to sign their names and I suppose that Mr. Thompson would sometimes sign his own name, when I saw that signature there I suspected that it was Judge Thompson's signature, and examined it more carefully, and I am convinced it is my signature.

JUDGE THOMAS: Your writing? A. Yes sir.

MR. HUTCHINGS: Isn't it patent from that judgment that something else had been written there and rubbed out and his name put there afterwards.

A. It appears that there was an erasure, but if there was an erasure and a new insertion made, it was in accord with the decision and will of the Commission.

Q. Have you any personal recollection that Mr. Thompson was present at all at the second hearing of the case?

A. My recollection does not serve me right on that point. All I can say in answer to that question is this, that his signature there convinces me that he was present and authorized me to sign his name.

Q. That is the only thing? A. Yes sir, the only particular fact.

Q. Was Mr. Campbell Taylor present when that judgment was rendered?
 A. I don't know.
 Q. Was he present when either of the judgments were rendered?
 A. I don't know, I don't recollect.
 Q. Was he present when the motion for rehearing was made by you and filed? The motion for rehearing was not made by him?
 Q. It was written by you?
 A. It was written by me. Whether Mr. Taylor requested me to do the writing, or whether it was some one of the old hands present, I am not able to say who it was. All I know about it, I did the writing.
 Q. Have you a recollection of the fact of the erasure. You remember that there was an adverse judgment rendered against him?
 A. I have been trying to recollect, but I can't recollect distinctly. Really, I can't, as a matter of fact, I cannot really understand that erasure there. I suppose I must have done it, but the facts in connection with it I cannot recall.
 Q. Don't you see that "and" that above it was written the word "blood," apparently showing that the finding was that they were not Cherokees by blood? Is there the loop of the letter "l"?"
 A. There is a broken letter there.

The attorneys for the Nation here, in view of the evidence offered, ask that the Commission consider the affidavit of S. H. Bengé herein filed, and move for the privilege at some future day convenient to the Commission and the attorneys on the respective sides, for the right to examine before the Commission, either at Muskogee, if the witness is able to attend, or at Fort Gibson if he is not, and have his testimony taken as the testimony of other witnesses are taken before the Commission.

JUDGE THOMAS: To this application the claimant enters protest and objection, on the ground that the affidavit of S. H. Bengé upon which this application is based, does not show the proposed evidence to be competent legal evidence, and would not be admissible even if the witness were present; and for the further reason that this case was set down for trial on this day by agreement, and the applicant had no notice of the application for a continuance or for leave to take this testimony in this extraordinary way, at the time of their announcement of the trial.

BY COMMISSION: The motion of the attorney for the Cherokee Nation for continuance in this case will be taken under advisement, and the attorneys for the applicants, as well as the attorneys for the Cherokee Nation, will be notified of the decision as soon as a decision is arrived at.

This testimony will be filed with and made a part of the record in the following cases: Nos. 205, 279, 463, 1162, 1055, 1058, 1064, 1065, 1071, 1163, 1164, 1157, 1158, 1159, 1160, 1161, 178, 121, and the case at bar, being No. 123.

BY COMMISSION: In the case of John W. Shoemaker and others, the attorneys of the Cherokee Nation present what purports to be the original of a motion made to the Commission on citizenship of the Cherokee Nation on January 12, 1883, to reconsider the case of John W. Shoemaker and W. H. Shoemaker, and signed by S. H. Bengé and C. H. Taylor, attorneys for claimants. It is alleged and not disputed that S. H. Bengé did not sign this motion, and that he was not an attorney in that case. Now this morning counsel for the Cherokee Nation desired a postponement of this case in order that they might take the testimony of S. H. Bengé, but the grounds upon which they

made their request this morning were immaterial, and the postponement was not granted. The present development, in connection with other circumstances of a general character, is more material, and the Commission itself desires the testimony of S. H. Benge in this case. An order has just been given for an official of the Commission to proceed to Fort Siken tomorrow morning at 8:30 for the purpose of taking the testimony of S. H. Benge, who is old and a confirmed invalid and unable to leave his house, and it is directed that his testimony be taken in this case at the same time. This case will be continued through tomorrow. W. H. Shumake, who is present, and also the attorneys upon both sides will be duly notified, and are now verbally notified of this order.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

The continuation of this testimony in this case taken by Stenographer J. S. Ressen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
WILLIAM H. SHOEMAKE, ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. T. H. Owen, Attorney for applicants;
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows
on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q You are a Cherokee by blood, and citizen of the Cherokee Nation?
A Yes, sir.
Q What is your age? A 70 years old; I am going on 71.
Q What positions of trust have you held in the Cherokee Nation?
A I have held several.
Q Just state them? A I have been Sheriff and been member of the Council and Senator, Delegate to Washington, President of the National Council of the different tribes.
Q Did you have anything to do with the making of the treaty of 1866? A Yes, sir.
Q One of the signers? A Yes, sir, only one living.
Q Were you acquainted with W. H. and John W. Shoemaker?
A Well, I have seen them; I can't say that I am well acquainted with them.
Q Do you remember the time they had a citizenship case before what is called the Tehee Citizenship Commission at Tahlequah?
A Yes, sir.
Q Were you in Tahlequah at that time? A Yes, sir; in '83 I think it was. Yes, in '83 I went over here to Tahlequah; I had a case before that Court, I went there and got there in the evening and they were trying Shoemaker's case.
Q Well, go ahead and say what you saw? A Well, I remained there in the Court and the Court rendered a decision against Shoemaker-- whatever you call him--it was late in the evening and the next morning I went back down to Court and Court was in session, had convened, and they were reconsidering Shoemaker's case, and the Court there rendered a decision in his favor and reversed it of the evening before.
Q You know who the decision was written by, rendered by? A Mr. D. W. C. Duncan, Clerk of the Court.
Q Were you associated with C. H. Taylor, as attorney in the case?
A No, sir, had nothing to do with it.
Q Please examine a motion filed in that citizenship case and heretofore offered in evidence in this case and say whether or not that is your signature to that motion? (paper shown witness and examined by him) A No, sir.
Q Did you ever authorize anybody to sign your name to any such motion? A No, sir, I don't know that it was in question.
Q Were you in any way interested in the case either as an attorney or otherwise? A No, sir; I went up to Tahlequah on that day, as I stated, in the interest of Joe Watie; he had a case down there and I was tending to his case.
Q Were you present in the Court the evening the decision was rendered denying them citizenship? A Yes, sir.

Q Was any additional testimony offered the next morning when the Court was reconsidering the case? A No, sir; none that I know of.

Q Did you know the members of that Court? A Yes, sir.

Q How many of them could speak english? A One.

Q Which one was that? A Tom Thompson.

Q Did you know the Prosecuting Attorney, Wilson Sanders?

A Yes, sir.

Q Did he speak english well? A No, sir; talked a little.

Q Did you have any conversation with either member of the Court about the case? A After they had adjourned rendering a decision in Shoemake's favor I talkd with this man Wolfe, Alex. Wolfe.

Q Was he a member of the Court? A Yes, sir; I just simply asked him why it was they changed the decision the way they did.

~~MR. OWEN:~~ MR. OWEN:

Q Was Shoemake there present himself? A He was not where we was talking.

Q He didn't hear what was said? A Not as I know of

Mr. Owen: The commission will note our exceptions to any conversation had by this witness with any member of the Commission known as the Tehee Court in the absence of either of the applicants, and we now object to this witness detailing any part of the conversation had in the absence of William H. Shoemake or one of the other applicants.

A I asked Alex. Wolfe as to why they changed the decision the way they did, rendered against this man Shoemake, and he told me that Mr. Duncan said they done wrong and had to change it back.

Q After the decision was rendered that evening against them did you see Duncan in company and in conversation with either of the applicants, J. W. or William H. Shoemake? A I saw him with one of the Shoemakes.

Q With Duncan? A Yes, sir.

Q Did they go off together? A They were standing off a apiece.

Mr. Owen: Applicant objects to this testimony being irrelevant and immaterial.

Q How was it that you happed to ask Wolfe about the decision; was it satisfactory? A Well, I was well acquainted with them and it looked rather strange to me to make a decision late in the evening against a man and in the morning reverse it without any additional evidence whatever.

Q Did it cause any particular comment in the evening? A Yes, sir; this man Scales and Mr. Thompson declared it was a fraud.

Q That was old man Johnson Thompson? A Old man Johnson Thompson.

Mr. Owen: The applicant objects to this testimony as being incompetent, irrelevant and immaterial, and not tending to prove or disprove any of the issues in this case, and being purely hearsay.

Q Who was Scales? A Joe Ab Scales, down here at Webbers Falls.

Q Was he a prominent Cherokee? A Yes, sir.

Q Man held good many official positions? A Yes, sir.

Mr. Owen: We object to any testimony as to who Mr. Scales was or as to whether he was a prominent Cherokee citizen, for it is immaterial and irrelevant.

MR. OWEN:

Q Mr. Bengé you say when you went into the Court the next morning they were reconsidering Shoemake's case? A Yes, sir.

Q What do I understand you to mean about the word "reconsidering" were they tal king a vote and were they discussing the case, or were they reading the evidence of the case? A They were reading the evidence over again. I went in they were reading it and when they got through reading it they taken a vote and voted him in as a citizen.

Q They were going through the case, going through the evidence? A

Yes, sir.

Q Were they discussing it among themselves? A No, sir.

Q Did that Commission have an interpreter? A Yes.

Q When you went into the Court the evening before did you say they were considering the case then? A Yes, sir.

Q Were they reading the testimony then? A Yes.

Q Take a vote? A Yes, sir.

Q Are you sure, Mr. Bengé, that that the decision admitting these people was rendered on the morning following the decision rejecting them? A Yes, sir, I am.

Q Do you remember a conversation had with William H. Shoemaker who is now present standing near the Capitol building in which he told you that he had gotten notice that he had been rejected and he asked you to look into the case and if he could procure a new hearing for him he would pay you for your services? A No, sir, we had no talk of that kind. Mr. Shoemaker was present at the time the decision was rendered.

Q Which decision? A When they rendered a decision against him, he was there in the Court room.

Q And then after he had this conversation with you, do you remember that you went and investigated the case, inquired about it?

A No, sir; I ~~don't~~ didn't do anything whatever, I didn't do anything in regard to it.

Q Never had any conversation in regard to it? A No, sir; because he had a man there in town by the name of Taylor.

Q Do you remember that he told you in the town of Tahlequah near the capitol that this Commission was prejudiced against Campbell Taylor and that Campbell Taylor had not presented all the testimony, and if you would examine the records and see whether he had presented the testimony and if in your opinion the testimony was strong enough to warrant the Commission in admitting him, to procure a new hearing that he would give you \$75, that he would pay you that? A No, sir, we had no conversation at all whatever so far as his case was concerned. I was an attorney here in this country and was up there, I went in the interest of a family living here, Joe Watie, and if Mr. Shoemaker had come to me and offered me \$75 to look into his case I would have took it.

Q You were a practicing attorney before the Commission at that time?

A Yes, sir. Before Courts here too.

WILLIAM H. SHOEMAKE, the applicant, re-called, testified as follows:

MR. OWEN:

Q Your name is William H. Shoemaker? A Yes, sir.

Q Post office address is Webbers Falls? A Yes, sir.

Q You testified in this case yesterday at Muskogee? A Yes, sir.

Q I will ask you, Mr. Shoemaker, if in Tahlequah near the capitol building, while the Tehee Court was in existence, if you had a conversation with Mr. Samuel H. Bengé, who is now present, with reference to your case in which you stated to him that you had received notice that you had been rejected by this Tehee Commission and requested him and stated to him that you thought the commission was very prejudiced against Campbell Taylor, or that he had not put in all the evidence, and that if he, Mr. Bengé would go and examine the record and see if the testimony was all in, and if in his opinion it was sufficient to warrant the Commission in admitting you to citizenship and if he would procure a new hearing for you you would pay him \$75 in money; did you have this conversation?

A I don't think all of the last part there, that I would pay him \$75, I agreed in case that he-

Q In case he would procure your certificate? A Yes, I would pay him \$75, that is what I said.

Q Did you have that conversation with him? A I did.

Q You heard the question that I asked Mr. Bengt a few minutes ago, did you, with reference to this conversation? A Yes, I heard part of it; I ~~am~~ might not have heard it all, I am a little hard of hearing.

Q Do you know whether Mr. Bengt went and made inquiry about your case? A I do not.

Q Did you have any conversation with him afterwards about it? A Yes, sir.

Q Did he say that he had gone? A Yes, sir.

Q And made inquiries about it? A Yes, sir.

MR. HUTCHINGS:

Q Where was that? A That was at Tahlequah at the capitol.

Q How long after the decision had been rendered against you?

A I don't recollect how long it was exactly. It was some time after the decision, after it was said that the decision was rendered against me, I don't know that it ever was.

Q Didn't know that it was ever rendered against you?

A No, sir, only by hearsay.

Q How come you to be up at Tahlequah? A I heard that it had been and went to Tahlequah to see about it.

Q How long was it after you talked with Judge Bengt that they rendered a decision in your favor?

A I can't tell you that; I went home and left it there; it might have been a week and might have been two weeks; I can't recollect it has been 18 or 19 years ago.

Q Did he say that he would accept that proposition of your and look into ~~the~~ it? A No, sir; he said he would go and see.

Q What did he tell you about it after he went and saw?

A He said he could not as well as I remember he said "I can't get it re-opened."

Q Who did you get to re-open it? A I never got anybody to re-open it.

Q Who did you get? A I had a lawyer employed and I went and left the business; I was expecting to take an appeal to the Secretary of the Interior.

Q Did you have any conversation with Mr. Duncan about it?

A No, sir, I didn't have any conversation with Mr. Duncan while I was up there.

Q Never had? A Not at that time; I wasn't there when the decision was rendered against me.

Q Then when you went back to see about it you went home without getting anybody to look after it? A I had employed Taylor and he was to get my certificate for \$100 and if he failed to get it he would not get any money, and I went on home and told him to take an appeal.

Q You don't know whether Taylor ever went back there any more?

A I never heard of it.

Q But sometime afterwards you were notified that you were readmitted? A Yes, sir.

MR. OWEN:

Q I believe you say that you don't know when the decision was rendered admitting you? A I don't know exactly.

Q But it was something more than a week after you were there before you were notified that you had been admitted? A Yes, sir, it must have been a week any way or more.

SAMUEL H. BENGE, re-called, further testified:

MR. HUTCHINGS:

Q Mr. Bengt you have heard the statement just made by Mr. Shoemaker with reference to his citizenship case, did you ever have such

a conversation with him, such as that he has detailed here, at all?
A No, sir; I never did and I want to state here that the decision was rendered against Mr. Shoemake he was in the Court room present and I stayed there about three days and I came home and I never went back there for a month or so, maybe longer; because if Mr. Shoemake had come in and made that proposition to me and offered me \$75, I was there practicing law, I certainly would have taken him up pretty quick.

MR. OWEN:

Q Judge Benge, you remember all of the cases that you participated in at that time or that you were spoken to about? A Yes, sir.

Q Do you think you can remember all of them? A All of them; I remember all of them that I had anything with, and there was only two.

Q Those two you were employed in as attorney? A Yes, sir; Joe Waties case and that gentleman there, Mr. Dawson.

Q Do you remember ever to have been spoken to in a case and was not employed, a man simply tell you that he might want your services or that he would, anything of that kind? A No, sir.

Q There was nothing in this Shoemake case you had nothing to do with it that would charge your memory? A No, sir.

Q You had no interest? A No, sir.

Q There was nothing special that would fix it in your memory like it would if you had been an attorney in the case? A No, sir.

Q You can't now say can you, Judge, the different people that you had conversation with during the three days that you were in Table quah? A No, I could not state how many I talked with.

Q You simply say that you have no recollection, no memory, of having had any such conversation with Mr. Shoemake? A No, sir.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in above case, and that the foregoing is a true and complete transcript of my notesgraphic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 20th 1902.

In the matter of the application of William H. Sheemake et al for enrollment as citizens of the Cherokee Nation.

Cherokee D. 123.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant William H. Sheemake and his brother John W. Sheemake filed their application for citizenship before the Commission on Citizenship September 10, 1880; that the same was continued until the January term 1881 by plaintiff when it was again continued by plaintiff until the September term 1881; that the case was withdrawn September 24th 1881; that the petition was refiled on the fourth day of January 1882 and continued to the September term by the commission in 1882 when it was continued by the Commission until the January term 1883; and on ~~September~~ January 25th 1883, a judgment was entered, which the Cherokee Nation contends is fraudulent, admitting the applicants to citizenship, in the Cherokee Nation.

The records show that the entries made prior to the fourth day of January 1882 were made by clerks in different hand writing but that the record made on the fourth day of January 1882 and subsequent to that time was made by D. W. C. Duncan, Clerk of the Teehee Commission on citizenship. It is quite apparent from the record, and admitted by all parties, that there was a judgment entered rejecting the applicants in this case and that part of the judgment was erased and rewritten, admitting the applicants to citizenship in the Cherokee Nation, all of which is in the handwriting of the clerk of the Court.

In this connection it might be well to note that there was introduced by the Cherokee Nation a motion to reconsider which motion discloses the fact that the applicants were rejected and this motion to reconsider is signed by S. H. Bengé and C. H. Taylor, attorneys for claimants but is in the handwriting of D. W. C. Duncan, Clerk of the court, although S. H. Bengé denies that he was ever an attorney for claimants or that he had any knowledge of any such motion having been written or that he ever

authorized his signature to the same.

The applicants claim their right to citizenship in the Cherokee Nation through their grand mother Annie Shoemake, whose maiden name was Annie Bone, who was once a resident of Jackson County, Alabama. The original record introduced by the Shoemake family on January 5th 1882, a year prior to their fraudulent admission to citizenship in the Cherokee Nation shows that only one witness was introduced in their behalf before the Commission being that of Samuel R. Keys who testified that he knew the grand mother of the applicant in Jackson County, Alabama and that the applicants grand mother took a reservation in the forks of Big and Little Crow creek and that they were generally regarded as Cherokees. His testimony seems to have been based upon hearsay evidence and the fact that applicants grand mother drew a reservation. So far as the record discloses this is all of the testimony introduced by applicant. The Cherokee Nation introduced Judge Riley Keys, a man of considerable Cherokee traditional history, and he stated that the Shoemakes were generally regarded as Catawba Indians. John Ross another Cherokee Indian testified that he was from the old Cherokee Nation east and testified that the Shoemake family he heard of were white people and that he never heard of any Cherokees of that name. J. W. Alberty testified that he knew the Shoemake family on the Arkansas line near Dutch town in Washington County and that the Shoemakes then claimed to be Portuguese but were regarded as colored people and they were refused the right to vote and that they went from there to California or Arizona. In this connection attention is called to the testimony of D. W. Bushyhead on page twenty-one of the testimony originally taken in the case of J. D. Shoemake in which he says that he knew the Shoemake family in California and that they had come from Arkansas and that while they claimed to be Cherokees among the whites, that to him they did not claim it and that they were darkies and that they had applied to the Cherokee Nation in 1840 or 1841 for citizenship and were rejected and that they moved back to the State of Arkansas.

In order to show the relevancy of the testimony of J. W. Alberty and D. W. Bushyhead and show the connection between these families your atten-

tion is invited to the testimony of William H. Shoemaker found on page twenty-five of this testimony, taken August 3rd 1888, in the case of Alma Shoemaker et al Vs the Cherokee Nation wherein he states that the applicants who were his grand children lived in Sebastian County, Arkansas and the judgment of the commission rejecting the applicants in the Alma Shoemaker case on September 13th 1889, found on page twenty-nine of the testimony, also recites the fact that the applicants are from Arkansas. Attention is also invited to the fact that none of the names of the Shoemaker family or of any of their ancestors through whom they claim appear upon the rolls of Cherokee Citizens made by the Government of the United States in 1835, 1848 or 1861 or 1862

The record shows that the personnel of the Commission on Citizenship changed on the third Monday in November 1883; when the Commission was then composed of Eli Spears, Andrew Young and John Lee, Commissioners and C. O. Fry was the clerk. After this change of the clerk, no Cherokee Commission on citizenship ever admitted another Shoemaker to citizenship in the Cherokee Nation neither was one ever admitted by the Cherokee National Council or by the Dawes Commission although to all of them they applied in very great numbers.

On September 10, 1884, J. D. Shoemaker, a nephew of William H. Shoemaker applied to the Spears Court, which succeeded the Teehee Court, and the court refused to admit him but in a well written report signed on the 22nd day of September 1884 submitted the matter to Honorable D. W. Bushyhead, Principal Chief of the Cherokee Nation, with a recommendation that the case of William H. Shoemaker and John W. Shoemaker be reinvestigated by the National Council because, as the court asserted, that the said William H. Shoemaker and John W. Shoemaker obtained their rights through fraud. You will note that this is the first Shoemaker case and is a nephew of the applicants who applied to the first citizenship court after the expiration of the term of office of D. W. G. Duncan. Along with this report is found the testimony of Wilson Sanders, now deceased, who was the attorney for the Cherokee Nation before the Teehee court. His testimony will be found on page sixteen. After giving his age and post office address he testifies as to who composed the Teehee Commission on

Citizenship and he affirms the fact that the Shoemakes were rejected and without being notified the case was reopened for investigation without any additional testimony having been submitted to the court; that he was never asked to introduce any more additional testimony. You will note that this fraudulent judgment was entered as of date January 25th 1883, but that no testimony was taken in this case for more than a year prior to that time in January 1882, and while judges often change their minds as to legal propositions upon rehearing when authorities are cited and arguments made yet there is no testimony in this case that there was any new testimony introduced or that there was any argument or any authorities cited but on the other hand a motion for a rehearing written by the clerk with an attorneys name signed thereto who was never in the case

For the purpose of showing that the Shoemake family was not of Cherokee blood and what action had been taken in their cases by every Commission or court subsequent to the fraudulent admission of the applicants themselves the Cherokee Nation introduced the application of J. D. Shoemake et al on September 10, 1884, above referred to which was referred to the National Council through the Principal Chief with the recommendations herein above recited.

The Cherokee Nation also introduced in evidence the application of this same James D Shoemake before the Adair Court in August 1887 which said application recites that the name of his ancestor Annie Shoemake should appear upon the old Cherokee rolls of 1835 and 1852 and in this case will also be found the testimony of both the applicants in this case that the said James D. Shoemake was a nephew of theirs, being a son of their sister. The application of James D. Shoemake was rejected by the Adair Court on the 25th day of October 1888 by a well written opinion in which it is recited that all of the old rolls made of the Cherokees by the Government of the United States had been searched and none of the names of the applicants ancestors could be found thereon and the court further said: "We are of the opinion, therefore, that this case is enshrouded in some way, that we can not find out, just how it is, and if Cherokees, as some would naturally suppose from the fact that some of this family had proved to the satisfaction of the Tahoe Commission in

1863 that they were, that their names should appear on some of the rolls of the Cherokees already mentioned, and as other Cherokees names do, who were living in Alabama at the same time these parties were." The applicants were rejected. See page 23 of the testimony.

The Cherokee Nation also offered in evidence the application of Alma Shoemaker et al, grand children of the applicant William H. Shoemaker, together with the testimony of William H. Shoemaker and John W. Shoemaker and that of Dennis W. Bushyhead and the rejection of the applicants by the Ross Commission on Citizenship found on page 29 of the Testimony. It might be well to note that the Ross Commission succeeded the Adair Commission. The Cherokee Nation offered in evidence the application of Alma Shoemaker and her rejection by the Ross Commission on Citizenship.

The Cherokee nation also offered in evidence the application of William L. Shoemaker who claims to be a son of Eli Shoemaker and a nephew of the applicants in this case and the rejection of the said William L. Shoemaker by the Ross Commission on Citizenship.

For the purpose of showing that the members of this family were not regarded as having Cherokee blood and were rejected by the Dawes Commission in 1896, the Cherokee Nation introduced the record in Dawes Commission Number 3165 wherein William H. Shoemaker applied for the enrollment of his grand children Lula B Shoemaker and Eddie C. Shoemaker for whom he had applied to the Adair Court in the case of Alma Shoemaker here in above referred to. The testimony of both of the applicants in this case was filed before the Commission in 1896 and the applicants were rejected. The Cherokee Nation filed the decision of the Ross Court in said case with its answer together with all the testimony introduced before the Ross Commission on Citizenship. The Cherokee Nation then offered in evidence the application of James P. Shoemaker a full brother of the applicants being Dawes Commission Number 3164, together with the testimony of the applicants before the Dawes Commission in 1896 to the effect that J. P. Shoemaker was a full brother of theirs and he was rejected by the Commission in 1896. The Cherokee Nation offered in evidence the application of George W. Shoemaker, a nephew of the applicants who applied to the Dawes Commission in 1896 and was rejected, his case being Dawes Com-

mission number 3163; this case also has the testimony of the applicants to the effect that the said George W. Shoemaker was their nephew. The Cherokee Nation also introduced the application of Mary J. Shoemaker who married a nephew of the applicants who applied to the Dawes Commission in 1896 and was rejected her case being Dawes Commission Number 3162.

The Cherokee nation introduced the record in the case of James D. Shoemaker another nephew of the applicants who applied to the Dawes Commission in 1896, his case being found in Dawes Commission Number 3161, and it being the same James D. Shoemaker herein above referred to who applied to the Teehee Court and to the Adair Court and rejected by all three. The case has the testimony of both the applicants in his behalf showing that he is a nephew of theirs and the Commission has all of the original testimony introduced by the Cherokee Nation in the William H. Shoemaker case before the Teehee court together with the report of the Spears Court and the testimony of Wilson Sanders and the testimony of D. W. Bushyhead.

It will be observed that none of the Shoemakers were ever admitted to citizenship after the Teehee Court went out of existence or by any Court other than that of which D. W. C. Duncan was clerk.

William H. Shoemaker, in his own behalf, admits that there was an adverse judgment rendered against him and he also admits that he never employed S. H. Bengtson as his attorney in the case.

T. F. Thompson was introduced by the claimants and he stated that he was a member of the court that admitted them and that so far as he knew that they were not corruptly or fraudulently admitted but on cross examination he admits that he never saw but one judgment, that he had no personal recollection whatever of their having been but one judgment rendered in the case and in fact he has no personal recollection whatever of the case and upon examination of the docket book he admits that the judgment had been erased and another judgment written upon it. The Judgment shows that T. F. Thompson did not sign it and in answer to this question "Had you any recollection of authorizing anybody to sign your name to it?" he answered, "No sir, I do not." He further stated that there was no reason why he should not have signed his own name when he was present and numerous instances were called to his attention through the

book when he did sign his name when he was present, finally he admitted the fellow upon cross examination:

"Q You have no personal recollection about it?" "A No It has been so long I do not remember about it particularly."

"Q The only reason you have for thinking so is just because you see it signed that way isn't it?" "A I suppose it is. They were signed by my approval or something of the kind."

"Q You have no recollection in the world?" "A No sir, I can not remember it."

This shows that T. F. Thompson remembered nothing whatever of the Shoomake case except what the record disclosed to him.

D. W. C. Duncan was then called by the applicants and he stated that he was the clerk of the Tehee Commission on Citizenship, that he remembered the Shoomake case, and that he wrote the judgment upon which the applicants base their claim. He also admitted that he wrote the motion to reconsider and signed the names of S. E. Benge and C. H. Taylor thereto. He admitted that the judgment had been erased and that another had been written by himself and he also admitted that the name of T. F. Thompson had been erased and had been written by himself although earlier in the day on page twelve of the testimony in answer to this question "Do you mean to state Mr. Duncan that that name of Mr. T. F. Thompson is not in your handwriting?" "A It is not it is in Mr. Thompsons handwriting." "Q Isn't it erased; the original handwriting there?" "A That erasure I knew something about those erasures."

"Q You say that it is in your handwriting?" "A It is not in my handwriting."

Again he says in answer to this question "And when Mr. Thompson was there he always signed his own name?" "A That was the rule." Further on in the testimony he admits that his recollection is indistinct when he is confronted with several of T. F. Thompsons signatures written by Duncan when he then claims "It may be Judge Thompson authorized me to write his name."

It will be noticed that no where before, although nineteen years had elapsed, although Duncan had testified before in the Dawson case at

Vinita where he denied that he signed T. F. Thompsons name, that he ever admitted or remembered of having been authorized to sign Thompsons name. On the same page with reference to the erasure he was asked "Did you ever make any entry of the rejection of the Shoemakes to which this man refers?" "A No sir." Later on when recalled in the afternoon and when confronted with the motion for rehearing which showed that an adverse judgment had been written and when it was made so plain to him that the original judgment had been erased he admitted that there had been an erasure, but that he had no recollection of it whatever.

Samuel H. Benge whose testimony was taken at his home testified on part of the Cherokee nation that he was seventy years of age, that he had held numerous offices within the gift of the Cherokee People among them Member of Council, Senate, Delegate to Washington, the only surviving Cherokee who signed the treaty of 1866 and numerous other positions. He stated that he was at Tahlequah during the consideration of the Shoemake case, that he was there when it was rejected, that the same was reconsidered without any argument or additional testimony, that he never was an attorney in the case, that he never made any motion to reconsider the same and that he never authorized any one to sign his name to such a motion, and that after the adjournment of the court he asked Alex. Wolfe why the case was reconsidered and Mr. Wolf stated that Mr. Duncan said they had done wrong and it had to be changed. That after the decision was rendered he saw Duncan in conversation with the applicant William H. Shoemake alone and it was generally well understood that there was fraud practiced in securing a favorable decision in the case. He denied that Shoemake had any talk with him at all with reference to the case or that he offered him any money to look into it.

A R G U M E N T.

The Testimony in this case shows that the applicants William H. Shoemake and John W. Shoemake claim their right to citizenship through their alleged grand mother Annis Shoemake, nee Benge, once, as it is claimed, a resident of Jackson County, Alabama and the other applicants in this

case are descendants of the two leading applicants William H. Shoemaker and John W. Shoemaker and, as a matter of course, their right to be enrolled depends upon the case of William H. Shoemaker under consideration.

The jurisdiction of the Commission to consider this case and to strike the applicants from the rolls of the Cherokee nation is derived from section twenty-one of the Curtis Bill, that is found in this language: § And they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have a lawful right thereto."

The power to hear citizenship cases was conferred on this Commission in 1896 its general Power was limited at that time to hearing application of persons who claimed to be citizens of the Nation, and who claimed to have been illegally deprived of their just rights. In hearing these cases, cases came before the Commission relying for the right to citizenship on the sole fact that blood relations of theirs were enjoying rights to citizenship in the nation by fraudulent admission to citizenship by one of the several courts or commissions created in that Nation by the National Council. Conspicuous among these cases, if not the earliest, were the Dawson and Shoemaker cases. Among those claiming through the Shoemaker family as shown by the testimony was a full brother P. Shoemaker, Dawes Commission Number 3164, 1896, and Lula Shoemaker, grand children of William H. Shoemaker, Dawes Commission Number 3165, George W. Shoemaker, a nephew of William H. Shoemaker, Dawes Commission Number 3163. James D. Shoemaker, another nephew, quite a number of others too numerous to mention were rejected after mature consideration by the Commission though they had resided here the same length of time as John W. Shoemaker had, were of the same blood as the applicants themselves in the case, and were rejected by every Cherokee

Spears court rejected them as did both the Adair and Ross Courts as well as the Dawes Commission in 1896.

It is an open secret that the Commission dictated the provisions of Section twenty-one of the Curtis Bill, the Commission being composed at that time of some of the very members whose experience in 1896 had brought their attention to the matters demanding such legislation and had in the light of such experience framed the law in question to remedy the evil. In other words, as above observed, many different branches of the Shoemaker family had applied for citizenship. The Commission had had its attention called to, and had examined into the merits of these cases, and the Commission was unquestionably satisfied that a fraud had been perpetrated upon the Cherokee Nation and that it was their duty to recommend that the United States now having taken control of the question of Cherokee citizenship, should enact such legislation as would enable the Commission to remedy the evil which the Cherokee nation itself had heretofore been powerless to do. This very Commission had become familiar with the workings of the early Cherokee citizenship Commissions, their methods of admitting people to citizenship; the corruptness of witnesses and the methods of reaching the courts through the clerks; they had seen the Adair court, which had the reputation of being composed of capable, efficient and honest members, had rejected every single member of the Shoemaker family that had applied to it, and that their written judgments, were ^{convincing} ~~manifesting~~ that the Shoemaker claim was without merit, and the same in this connection can be said of the Dawson case, and that it was because of the Commissions investigation into these two cases in 1896 that caused the Commission to recommend the enactment of that provision of Section twenty-one of the Curtis Bill herein above quoted, authorizing the Commission to investigate fraudulent admissions to citizenship in the Cherokee Nation. No jurisdiction could be broader and more comprehensive than that conferred by Section twenty-one and the Commission is charged and enjoined specifically to enroll only such persons as may have ^{lawful} right thereto and the power given them to omit all names placed upon the roll by fraud or without authority of law. No particular kind of fraud is specified nor any particular method at arriving at the judgment of the commission or of setting aside any former act of the Nation through which this fraud may have been accomplished. The comprehensiveness of

the language is such that it is made the broad duty of this Commission to see that no frauds are perpetrated upon the nation because any man or woman who are permitted to be enrolled when the proof shows that there is not a drop of Indian blood in their veins, would be the very grossest fraud upon the nation whose citizenship depends upon the blood that courses through the veins of its citizens. In other words, if a person has been admitted to citizenship in the Cherokee Nation because of his Cherokee blood, and if there is one who has been admitted with no such blood in his veins, he is a fraud upon the laws and customs of the Nation, and it is the duty of this Commission to refuse his enrollment. The United States has assumed the responsibility of making a correct roll of the citizens of the Cherokee Nation, and it makes no difference how or by what means the fraud has been practiced. We contend that it is within the power of the Commission to correct it in its investigations. This Commission has full and complete authority to investigate any details tending to establish whether or not any person who has heretofore been enrolled through fraud or without authority of law. If the different members of the Shoemaker family are not Cherokee Indians, it follows as a matter of course that they were fraudulently admitted through corrupting the court or through the corrupting use of money in bribing witnesses. The Representatives of the Cherokee Nation is not a party to this case, but that they are only assisting the Commission in the development of all the facts connected with it and that it is the duty of the Commission itself upon its own motion to enquire into and investigate questions of fraud brought to their attention. It is as much the duty of the representatives of the Cherokee Nation to assist in getting those entitled to be enrolled placed upon the roll as much as it is to pretest against the enrollment of those not so entitled.

In the consideration of this case there are perhaps three questions to be considered which we think can be best argued together but which should not be lost sight of by the Commission.

First:- Were the members of the Shoemaker family Cherokees?

Second:- Were improper and fraudulent means used by them to obtain a favorable decision in their behalf from the citizenship court?

Third:- Was the record introduced, in fact, a judgment of the Tahoe court at all or was it not a judgment of the Clerk of that court,

obtained by fraudulently erasing the adverse judgment previously rendered against the Shoemake family?

As in all fraudulent citizenship cases that have been brought to our attention we have noted that none of the applicants themselves take the stand, and we find that there was no exception in this case and the original record introduced before the Teehee Commission in 1883, filed in this case shows the introduction of only one witness, being that of Samuel R. Keys, and that the applicants William H. Shoemake and John W. Shoemake did not take the stand in their own behalf. As observed in the Dawson case the history of citizenship in the Cherokee Nation, or rather we might say the history of the fraudulent cases of citizenship in the Cherokee Nation, discloses this very remarkable fact, that no person related to the applicants nor a person through whom they claim citizenship were ever brought to the stand to testify. In every one of these fraudulent citizenship cases the proof is always sought to be made by some person in no wise related to any side of the family and as a rule whose source of ~~knowledge~~ information is the poorest and weakest possible. Now in this case, instead of the Shoemakes taking the stand themselves they had the testimony of Samuel R. Keys, who claimed to have been running a ferry on the Tennessee river where he knew ^{of} the alleged grandmother of the applicants living and where she is said to have had a reservation.. Upon this unsupported testimony which was contradicted by other old Cherokees, among them Judge Riley Keys, John Ross and J. W. Alberty, it is claimed that the applicants were finally admitted to citizenship in the Cherokee nation. The Commission is well aware, as well as the Cherokee Nation, in 1883 that all the payments that had been made to the Cherokee People prior to the ^{late} civil war and before their removal west to the Cherokee nation were made upon rolls which were made by agents of the government of the United States and if the grandmother of these applicants had taken a reservation in Jackson County Alabama, and it was a Cherokee Reservation, how very easy would it have been to have found the names of the applicants and their ancestors on some of these old rolls and how easy would it have been for these applicants to have gotten a certificate from the authorities in Washington showing their grand mother was a Cherokee Indian and that she had taken

land as a Cherokee upon a Cherokee Reservation.

We are often struck with what, in many cases, applicants fail to prove. These applicants themselves were old enough to have been placed upon the roll of 1835 and if they were living upon a Cherokee reservation, unquestionably the agent of the Government of the United States, would have found them, particularly when it was desired to make a roll upon which money was to be disbursed. The judgments of the Adair and Ross Courts show that all of these rolls have been searched and the name of Shoemaker does not appear upon any of them. You will further note that they state in all of their applications to the Adair and Ross courts that the name of their ancestors can be found upon certain rolls, a search of them however fails to find them.

The attention of the Commission is called to the fact that C. H. Taylor was the attorney for both the Shoemaker and the Dawson families; That the Dawson and the Shoemaker families claim to have been admitted during the same month: The Dawson case on the 11th day of August January, 1883 and the Shoemaker case on January 25th 1883. D. W. C. Duncan was clerk of both courts. Your attention is also invited to the fact that Taylor swore in the Dawson case that Duncan told him to let him know "When any big cases were coming up for consideration by the Commission." The testimony shows that this Shoemaker case was filed September 10, 1880, that it was continued from time to time without any testimony whatever being introduced that it was withdrawn and subsequently reintroduced January 4th 1882, after Duncan became clerk of the court. That all of the testimony that was taken in the case was taken January 1882 and that the case was continued from time to time and applicants were rejected some time in January 1883. Strange it is that without any additional testimony, without any argument whatever on part of counsel for applicants, in open court, that the accommodating clerk, after an adverse judgment had been rendered by the court of which he was an officer, wrote a motion to reconsider the former judgment of the court in which he stated that the judgment was against the weight of the testimony and should be reviewed. He signs the name of an attorney not engaged in the case. The motion to reconsider seems to have been submitted without the knowledge of the national attorney and without ~~them~~ his being consulted. Your attention is invited

to the fact that a part of the judgment not erased is in the hand writing of D. W. C. Duncan as well as the writing over the erasure. Your attention is also invited to the fact that the names of Thomas Tehee and Alex. Wolf, while that of T. F. Thompson is erased, are signed by D. W. C. Duncan. No wonder, under such suspicious circumstances, were the people in and around Tahlequah very greatly astenished at these proceedings, mysterious as they were, and it is no wonder that the very first court that succeeded the Tehee court, being the Spears court, refused to admit the nephew of the applicants J. D. Shoemaker and referred the matter to the National Council through the Principal Chief D. W. Bushyhead, stating their firm belief that the admission of the present applicants was a fraud committed upon the Nation by the said parties and recommended that an investigation be had by the National Council. This was within eighteen months after the alleged admission of the applicants, when everything was fresh in the minds of the people and the report of the court is adverse and it does not seem that the applicant took any steps whatever to resist its adoption. Just why the National Council did not take steps to investigate the fraud is not clear in this case unless perhaps it might be explained upon the erroneous theory that the council itself was without authority to open up a fraudulent judgment or it might be explained that the same means were used to stifle the investigation as were unquestionably used in securing the rehearing of this case by the Commission. The testimony of Wilson Sanders who was the attorney for the court, a full blood of course, is quite pertinent, and shows that there must have been some underhanded proceedings, all of which were not transacted in open court. Unquestionably T. F. Thompson was not present; he knew something of the Shoemaker case, but his recollection is not distinct and he did not claim to recollect anything except what the record discloses, because he did not remember of having signed it and he did not remember of having seen but one judgment and in as much as he knew nothing of the erasure or the case having been reopened it must have been the adverse judgment that he remembered. Duncan is very ill at ease with reference to this case; he at first states that T. F. Thompson signed the judgment. He stated that Thompson always signed the judgments when present, but later had to admit that the judgment was erased

That he must have signed Thompson's name and argued that it must have been that Thompson authorized him to sign his name, his memory having been refreshed by seeing in the record that he had signed Thompson's name a number of times but he remembered nothing of the erasure, and could not account for it. He gives no plausible excuse for writing the motion to reconsider and signing the name of S. H. Benge thereto; and no one else for that matter.

As was said by the Adair court in its opinion rendered on the 25th day of October 1888 in the James D. Shoemake case referring to the Original admission in this case, we say too, "That this case is enshrouded in some way, that we can not find out just how it is," and the court goes on to say that it has made a diligent search of all the old rolls for the names of the ancestors of the applicants and that they can not be found thereon, although the names of other Cherokees who lived in that locality were found upon said roll.

The Spears Court rejected the Shoemakes in 1884, the Adair court in 1888, the Ross Court in 1889 and the Dawes Commission in 1896. These same applicants applied for their nephews, brothers and grand children to the Commission in 1896, presented the same testimony upon which they originally claim to have been admitted in addition to their own testimony and every single one of them were rejected. If these people had been Cherokees, how easy would it have been for them to have shown it, and still, although they have been charged to have been fraudulently admitted from the very date of their admission they make no effort whatever to secure any additional testimony showing that the charges of fraud were base and unfounded nor do they make any attempt now to defend their blood. The T^h Court was composed of full bloods except T. F. Thompson who never signed the judgment and we believe the testimony in this case shows that but one judgment was rendered and that was an adverse judgment, which is shown clearly by the erasure, ^{and} ~~which~~ is shown by the Testimony of S. H. Benge and which is shown by the testimony of William H. Shoemake himself. T. F. Thompson remembers but one judgment and his name having been erased from this one and signed by D. W. C. Duncan it must be presumed that it is the adverse judgment that he remembers to have

participated in. The members of this court, Teece and Wolf, as well as the attorney Wilson Sanders are dead and hence their testimony, except in the form of the testimony of Wilson Sanders, introduced before the Spears Court can not be introduced before the Commission but those familiar with full blood courts know that a clerk of the ability of D. W. C. Duncan, wrote the judgments of the Commission and was to all intents and purposes the court itself. S. H. Bengt who is an entirely disinterested witness testifies that he was at Tahlequah at the time and that Alex Wolf one of the members of the court told him that Duncan said the judgment had to be changed. Why this interest by Duncan? It must also be borne in mind that he wrote the motion to reconsider and in this connection it must also be borne in mind that he erased the judgment rejecting them and can not now even call it to mind. He perhaps has the most convenient memory of any Cherokee now living; he can forget the erasure of judgments; he can remember that the judges authorized him to sign their names, after having denied it but when confronted with the record that he actually did it.

That the Cherokee Nation was not prejudiced against this family or other applicants for citizenship, is shown by the fact that hundreds of people were readmitted to citizenship by the various courts or commissions subsequent to 1883, and that against none of them where it is shown that they had Cherokee blood, has the Cherokee Nation urged any objection, but where it is so patent that the applicants have no Cherokee blood where they were admitted upon practically no testimony whatever, the testimony of Samuel R. Keys is not worthy of the slightest consideration, it being indefinite, based upon hearsay. We submit that the Cherokee Nation should be protected against this fraud and injustice.

We contend that we have shown that the applicants have no Cherokee blood whatever in their veins because in the first place they introduced no proof whatever to show it and therefore their case should never have been for a moment considered by an intelligent court; because that every court or commission that sat since 1883, including the Dawes Commission

in 1896 has rejected every member of the family.

Because none of their names or the names of their ancestors do not appear upon any of the government Cherokee rolls although the names of other Cherokees residing in the same vicinity do appear thereon.

Because they urge that their grandmother took a reservation on Cherokee lands and no testimony whatever was introduced to substantiate this claim which could easily have been done or by documentary proof and finally because although members of their family have been applicants for citizenship for eighteen years no attempt was made to get any additional proof as to their Cherokee blood but they stand on the alleged admission of William H. and John W. Shoemaker in 1883.

We further contend that there are very serious and grave doubts as to whether the judgment introduced, taken from the ^{Cherokee} ~~Adair~~ Commission records page 39 was ever a judgment of a court because the only living member of the Commission remembers nothing but one judgment, knows nothing whatever of an adverse judgment having been rendered, a rehearing granted and a change made.

Finally we contend that the evidence in this case is such as must necessarily convince the Commission that there was indeed fraud used in the erasure of the judgment, the writing of the motion to reconsider by the Clerk, his signing the name of S. H. Benge thereto when he was not one of the attorneys; the erasure of the name of T. F. Thompson one of the members of the Commission and the subsequent signing thereto his name by D. W. C. Duncan particularly when it is noted that no open argument was made in the case, no testimony had been introduced for more than a year and no reasonable excuse offered whatever for the members of the Commission changing an adverse to a favorable judgment.

In the investigation of the different classes of fraud the Commission will take note that it is very difficult indeed to obtain testimony upon the direct question of fraud itself; seldom it is that witnesses will come forward and confess themselves their own fraudulent acts, and in very few cases do we ever find that there are witnesses to fraudulent transactions other than the participants themselves. It will be noted that the character of fraud usually set forth to set aside a judgment has no bearing in this class of cases. The ~~Commission~~ ^{Commission} was not given in the law

to the nation to come in and make application to set aside judgments or to set up reasons for the same, but Congress conferred upon the Commission itself the power and duty to investigate all classes of frauds. In this case the Nation is not estopped as to any lapse of time. IN fact it has no burdens. If the testimony taken before the Commission suggests fraud and the Commission sees that the Nation has been imposed upon by false testimony or by any fraudulent acts of its officers the case is heard upon its merits and if forgery, perjury and false testimony, such as to have influenced the court, appears to have been introduced in the original case, it is the duty of the Commission to throw the burden upon the applicants to show that notwithstanding such testimony they had a meritorious case.

We have about come to the end of our National Existence; the Cherokee government has been divested almost entirely of its powers, the responsibility for the protection of the Cherokee people has been committed to the officials of the government of the United States.

That this Commission will protect the Cherokee people against injustice and fraud we verily believe, and confidently believing that the Commission will not stand upon any technicality to prevent it from correcting such a gross injustice upon the Cherokee people we submit this case believing that we have shown conclusively that the applicants have no Cherokee blood in their veins, that they do not have a meritorious case and that if admitted at all that they were of necessity admitted by fraud.

Respectfully Submitted,

J. C. B.

William G. Hutchings

William W. Hastings

Attorneys for the Cherokee Nation.

The following is a list of the cases containing the names of the Shoemaker families

- C. D. 203 Charles P. Clark et al
- C. D. 279 James Shoemaker et al
- C. D. 463 Alta M. Shoemaker
- C. D. 1162 Hugh A Shoemaker
- C. D. 1053 Thomas E. Collins
- C. D. 1058 Moses Morris et al
- C. D. 1064 Mary J. Garrett et al
- C. D. 1065 William J. Collins
- C. D. 1071 Harmon A Shoemaker et al
- C. D. 1163 Lucie Daniels
- C. D. 1164 Joseph W King,
- C. D. 1158 Charles P. Shoemaker et al
- C. D. 1159 Richard W. Shoemaker et al
- C. D. 1160 Thomas H. Shoemaker
- C. D. 1161 Rheda M. Branum
- C. D. 178 William Shoemaker et al
- C. D. 121 John W. Shoemaker et al
- C. D. 123 William H. Shoemaker et al.

All of these cases depend upon the admission of William H. Shoemaker and John W. Shoemaker, because the evidence shows that each member of the family, was admitted upon proof of his relationship to William H. and John W. Shoemaker.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I., T., June 25th 1902.

In the matter of the application of William H. Shoemaker et al for
enrollment as citizens of the Cherokee Nation.

Cherokee D. 185.

We beg leave to submit the following additional brief on the question
of fraud in the procurement of judgments:

Fraud in Procurement of Judgment.

(1) Effect of., (2) Evidence Necessary.

It is a well settled principle of law, that fraud vitiates every-
thing, that we deem it unnecessary to cite any authorities, yet the
fact that counsel for claimants have so stubbornly insisted that a
judgment once passed upon become res adjudicata is sufficient apology
for the following:

(1) Effect of Fraud.

"It may be laid down as a general principle that what is done in
Fraudum Legis can not be the basis of a suit in the courts of a coun-
try whose laws are attempted to be infringed."

(1 Johns. 424; 81 Iowa 69; 93 Ind. 495; 111 Ill 176; 102 N. Y. 287;
31 Ia. 360.)

" It is a well settled principle of Equity that fraud vitiates all
transactions, even in the most solemn contracts, and judgments are
not beyond attack on this ground." Herman on Estoppel; Id Res Judicata,
Sec 321, P 453) (11 R. How. 437; 72, Ind 374; 70 N' Y. 8; and 59
Cal. 168.)

Mr. Wells on Res Adjudicata, Sec 498, says: "Fraud vitiates every-
thing, a judgment equally with a contract."

The Supreme Court says in 98 U. S. 61, " There is no question of the
general doctrine that fraud vitiates the most solemn contracts,
documents and judgments" "It is a well settled principle of Equity
that fraud vitiates all transactions, even the most solemn and judg-
ments are not beyond attack on this ground."

(Hawman on Estoppel See 561.)

(2) Character of Evidence Necessary.

While most of the proof of fraud and bribery is positive and direct yet it may be, and usually is, proved by circumstantial evidence.

"To establish fraud it is not necessary to prove it by direct and positive evidence.. Circumstantial is not only sufficient, but in most cases is the only proof that can be adduced. (17 Wall. (U.S) 532; 63 Ala, 561; 3 Cal 107; 64 Mo. 201.

The authorities take even a further step and say:

"If the evidence is sufficient to satisfy the mind and conscience of the existence of fraud, it will suffice, although it does not lead to a conviction of absolute certainty." (51 Ill. 527; 14 Ga. 207; 72 Penn. St. 257; 19 Mich. 57.)

Respectfully submitted,

William T. Hutchings
William W. Hastings JCS

J. C. S.

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William H. Shoemaker, et al., for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of

William H. Shoemaker et al	Cherokee D 123 ✓
John W. Shoemaker et al	" D 121 ✓
William M. Shoemaker et al	" D 178 ✓
Mattie B. Clark et al	" D 205 ✓
James Shoemaker et al	" D 279 ✓
Thomas E. Collins	" D 1055 ✓
Mary J. Garrett et al	" D 1084 ✓
William L. Collins	" D 1068 ✓
Harmon A. Shoemaker et al	" D 1071 ✓
Winnie M. Hensley et al	" D 1092 ✓
Jesse R. Shoemaker et al	" D 1157 ✓
Charles F. Shoemaker et al	" D 1158 ✓
Richard W. Shoemaker et al	" D 1159 ✓
Thomas H. Shoemaker	" D 1160 ✓
Rhoda M. Brannum	" D 1161 ✓
Hugh A. Shoemaker	" D 1162 ✓
Alta M. Shoemaker	" D 463 ✓
Joseph W. King	" D 1164 ✓

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission as follows:

By William H. Shoemaker for himself and his minor children, Lula B. and Mary E. Shoemaker, as citizens by blood, and for his

wife, Sirena P. Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by John W. Shoemake for himself and his minor children, Calvin B., Luda G., Claude, Maud, Maggie M. and Effie Shoemake, as citizens by blood, and for his wife, Elizabeth Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by William M. Shoemake for himself and his minor children, Georgia A. and Clem Shoemake, as citizens by blood; subsequent to the date of his original application an affidavit was filed showing the birth of his minor child, Pigeon Shoemake, and the same is made a part of the record herein; by Charles P. Clark for himself, among others, as a citizen by intermarriage, and for his wife, Mattie B. Clark, and his minor child, Bessie E. Clark, as citizens by blood; the other parties to the application being differently classified, are not embraced in this decision, and as the status of claimants by intermarriage is not fixed at this time, the said Charles P. Clark is not embraced in this decision; subsequent to the date of his original application an affidavit showing the birth of his minor child, Susie Clark, was filed and the same is made a part of the record herein; by James Shoemake for himself and his minor children, John W., William A. and Grace L. Shoemake, as citizens by blood, and for his wife, Clara Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; subsequent to the date of his original application an affidavit was filed showing the birth of James H. Shoemake, a fourth child of the applicant, and the same

is made a part of the record herein; by Tillman A. Collins for the enrollment of his minor son, Thomas E. Collins, as a citizen by blood; by Lemuel Garrett for the enrollment of his wife, Mary J. Garrett, and his two minor children, Gracie D. and Ellis E. Garrett as citizens by blood; subsequent to the date of his original application an affidavit was filed showing the birth of Tilmon H. J. Garrett, a third child of the applicant, and the same is made a part of the record herein; by William L. Collins for himself as a citizen by blood; by Harmon A. Shoemaker for himself and his minor children, Rose Anna, James W., Noah H., Mattie M., Rexie L. and Ella Shoemaker, as citizens by blood, and for the enrollment of his wife, Nancy Shoemaker, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by William A. Hensley for his wife, Minnie M. Hensley, and his minor children, William W. and Angie M. Hensley, as citizens by blood, and for himself as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, he is not embraced in this decision; that subsequent to the date of his original application an affidavit was filed showing the birth of Della G. Hensley, a third child of the applicant, and the same is made a part of the record herein; by Jesse E. Shoemaker for himself and his minor children, Oscar, Maud, Hugh, Walsie L., Della, Minna and Grace Shoemaker, as citizens by blood, and for his wife, Laura Shoemaker, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by Charles F. Shoemaker for himself and his minor children, Minnie M., Bobbie, Walter and Cherokee G. Shoemaker, as

citizens by blood, and for his wife, Annie Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; subsequent to the date of his original application an affidavit was filed showing the birth of Mary I. Shoemake, a fifth child of the applicant, and the same is made a part of the record herein; by Richard W. Shoemake for himself and his minor children, Ada and Ira Shoemake, as citizens by blood, and for his wife, Mollie F. Shoemake, as a citizen by intermarriage, but as the status of claimants by intermarriage is not fixed at this time, she is not embraced in this decision; by Thomas H. Shoemake for himself as a citizen by blood; by Christopher C. Branum for his wife, Rhoda M. Branum, as a citizen by blood; by Hugh A. Shoemake for himself, among others, as a citizen by blood; the other parties to the application being differently classified, are not embraced in this decision; by Verda A. Young for her minor child, Alta M. Shoemake, as a citizen by blood; and by William H. Shoemake for Joseph W. King, as a citizen by blood.

The evidence shows that the applicants, William H. Shoemake and John W. Shoemake, were admitted to citizenship in the Cherokee Nation on January 25, 1883, by a duly constituted Cherokee commission on citizenship, known as the Teehee Commission; that the applicants, Lula B. Shoemake, Mary M. Shoemake, Calvin B. Shoemake, William M. Shoemake, Mattie B. Clark (nee Shoemake), James Shoemake Harmon A. Shoemake, Minnie M. Hensley (nee Shoemake), Jesse R. Shoemake, Charles F. Shoemake, Richard W. Shoemake, Thomas H. Shoemake, Rhoda M. Branum (nee Shoemake), and Hugh A. Shoemake, were admitted to Cherokee citizenship by said commission on January 30, 1883; and that Thomas E. Collins, Mary J. Garrett and

William L. Collins, were admitted to Cherokee citizenship by said commission on September 11, 1883. All the other applicants embraced in this decision were born since 1883 and are the respective descendants of the persons admitted to citizenship as aforesaid. Under the ruling announced by the Department in the case of Martha J. Hill et al., (I. T. D. 3886-1903), said descendants, being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestors.

The right of the Cherokee Nation, acting through its duly constituted tribunals, to confer citizenship upon whomsoever it saw fit, has always been recognized; provided, said tribunals were acting within their jurisdiction and their judgments were not procured by fraud. The Cherokee Nation does not question the jurisdiction of said Teehee Commission, but alleges that the judgment admitting William H. and John W. Shoemaker, was procured by fraud, and is therefore void. The several judgments of said Commission admitting other members of the Shoemaker family, as above mentioned, are not assailed by the Cherokee Nation, either for want of jurisdiction or for fraud; but it is contended by the Nation that none of the members of the Shoemaker family are Cherokees by blood, and that their applications for enrollment should be denied, notwithstanding the judgments of the tribal commission admitting them to citizenship. This Commission holds to the view that the judgments of a duly constituted Cherokee commission on citizenship, if valid, should be given full faith and credit on the questions therein adjudicated, if the same are within their jurisdiction. The Commission does not care to go behind the valid judgments of such Cherokee commission in citizenship cases to inquire whether the

persons admitted by said tribunal were Cherokees by blood.

Hence, the sole question to be determined herein with respect to said Teehee judgment of January 25, 1883, is whether the same was procured by fraud. In considering this question the Commission has borne in mind the well settled principles of law, that fraud will not be presumed, but must be clearly proved by the party alleging it; but that said proof may be made either directly, or by circumstances which clearly lead the mind to the conclusion that fraud exists. It is especially necessary that the proof be clear when the solemn written judgment of a court of competent jurisdiction is sought to be impeached for fraud.

The evidence further shows that the said William H. Shoemaker, and his brother, John W. Shoemaker, made application for admission to Cherokee citizenship before the Cherokee Commission on Citizenship, on September 10, 1880; that the case was continued until January, 1881, and again until September, 1881; that the application was withdrawn September 24, 1881; and that on January 4, 1882, the claimants, by leave of said Commission, filed an amended application and the case, being reinstated on the docket, was afterwards continued until the September Term, 1882, and again continued until the January Term, 1883. The record herein shows that on January 12, 1883, a written motion was filed asking for a reconsideration of the case on the ground that the judgment was against the weight of the evidence, and because the members of the court were not unanimous in rejecting the claimants. From this it seems that the case must have been taken up at the January Term, sometime prior to January 12, 1883, and a judgment rendered rejecting the applicants. This motion purports to have been signed by C. H. Taylor and S. H. Benge, as attorneys for the claimants. Benge denies that he was an attorney in the case, or that he ever signed such motion; and it is admitted by D. W. C. Duncan, clerk

of said Teehee Commission, that he drafted such motion and signed the names of Taylor and Benge thereto, under the impression that they were representing the claimants. The filing of such motion by the clerk, if unauthorized, was a gross irregularity; but be that as it may, the fact remains that the original judgment of the Commission was reconsidered, and the evidence shows that the said Commission revoked its former judgment, and admitted the said William H. and John W. Shoemaker to citizenship in the Cherokee Nation on January 26, 1883.

It is contended by the Cherokee Nation that the motion for reconsideration, having been drawn up and filed by D. W. C. Duncan without authority, and no notice having been given to the solicitor of the Cherokee Nation that the case was to be reconsidered, and no additional evidence or argument having been heard in the case, strongly indicate that fraudulent means had been used to bring about a reversal of the original judgment. Assuming these facts to have been proven by the evidence, they do not establish fraud. A court or tribunal, during the term at which a judgment is rendered, has full control over its records, and may, of its own motion, modify or revoke such judgment without hearing any additional evidence or argument, and without giving notice to anyone.

It appears from an examination of the said judgment of January 26, 1883, as recorded in the original docket of said Teehee Commission, that the same bears evidence of having been altered. That portion of said judgment underlined in red ink in the record herein at page nine of the supplemental testimony taken on March 17, 1902, has evidently been written in the place of something erased. No one seems to be able to fully explain this erasure; but

it is shown that the entire record, from the entry made on January 24, 1862, down to and including the entry made on January 25, 1863, is in the handwriting of D. W. C. Duncan, clerk of the said Teehee Commission. The Cherokee Nation contends that the erased portion of the page contained the original judgment of rejection; and further intimates that said Duncan, having erased the first judgment which rejected the claimants, substituted, without the authority or consent of the Commissioners, the judgment of admission over their signatures. This theory that the judgment of admission was unauthorized by the members of said commission, is not sustained by the evidence. The only witnesses produced who would, presumably, have been in a position to know the facts concerning the rendition of such judgment are T. F. Thompson, who was at that time one of the judges of said Commission, and D. W. C. Duncan, the clerk thereof. Both of these witnesses testify positively that the judgment, as shown on the Commission's docket, properly represents the final action of the Commission in that case, and that no fraudulent or corrupt means were used to influence its rendition. Even Samuel H. Benge, the Cherokee Nation's own witness, testifies that he was present in open court when the Commission reconsidered said case, and rendered its decision in favor of the claimants. The fact that the interlineation complained of is in the handwriting of Duncan, who was clerk of said Commission, having custody of the records and authority to record the proceedings of the Commission, would seem to require stronger proof to establish fraud than if said interlineation had been made by a third person. Moreover, if said judgment of the Commission had been made fraudulently, and without the knowledge of said Commission, it is difficult to

understand why the same Commission should have, five days later, on January 30, 1883, admitted to citizenship the children of William H. Shoemaker and John W. Shoemaker. It is unreasonable to suppose they would reject the parents and five days later admit their children, who could have no rights except through such parents. The latter judgment admitting the Shoemaker children is not questioned by the Cherokee Nation, and there seems to be no dispute as to its being a regular and valid judgment of said Commission.

After a careful consideration of all the evidence herein, this Commission is of the opinion that the same fails to show that the judgment of the Teehee Commission rendered January 25, 1883, is fraudulent; and therefore said judgment, together with the judgments of the same Commission rendered January 30, 1883, and September 11, 1883, must be accepted as the valid and final judgments of a Cherokee tribunal of competent jurisdiction.

Although the charge that said judgment of the Teehee Commission, rendered January 25, 1883, was procured by fraud, was expressly referred to the Cherokee National Council for investigation by the Cherokee Commission on Citizenship, known as the Spears Commission, as early as September, 1884, yet no action has ever been taken by the Cherokee Nation to set aside said judgment, and it was never directly assailed until the hearing of the cases now under consideration. On the contrary, the Cherokee Nation seems to have acquiesced in said judgment and recognized the members of the Shoemaker family as Cherokee citizens by placing the said William H. Shoemaker and John W. Shoemaker, together with their descendants, on the tribal rolls of the Cherokee Nation.

It is shown by the evidence that the applicants herein are

identified on the Cherokee tribal rolls as follows:

William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, William M. Shoemaker, Mattie B. Clark (nee Shoemaker), James Shoemaker, Harmon A. Shoemaker, Minnie M. Hensley (nee Shoemaker), Jesse E. Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Thomas H. Shoemaker, Rhoda M. Branum (nee Shoemaker), and Hugh A. Shoemaker, on the 1883 pay roll.

William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Lula G. Shoemaker, Claude Shoemaker, Maud Shoemaker, Maggie M. Shoemaker, William M. Shoemaker, Georgia A. Shoemaker, Mattie B. Clark (nee Shoemaker), James Shoemaker, John W. Shoemaker (son of James Shoemaker), Thomas E. Collins, Mary J. Garrett (nee Collins), William L. Collins, Harmon A. Shoemaker, Rose Anna Shoemaker, James W. Shoemaker, Noah H. Shoemaker, Minnie M. Hensley (nee Shoemaker), Jesse E. Shoemaker, Oscar Shoemaker, Maud Shoemaker, Hugh Shoemaker, Charles F. Shoemaker, Richard W. Shoemaker, Ada Shoemaker, Thomas H. Shoemaker, Rhoda M. Branum (nee Shoemaker), Hugh A. Shoemaker and Alta M. Shoemaker, on the 1894 strip payment roll.

All the applicants herein except Clem Shoemaker, Pigeon Shoemaker, Bessie E. Clark, Susie Clark, Grace L. Shoemaker, James N. Shoemaker, Gracie D. Garrett, Ellis E. Garrett, Tilmon W. J. Garrett, Rexie L. Shoemaker, Ella Shoemaker, Angie M. Hensley, Della G. Hensley, Minna Shoemaker, Grace Shoemaker, Walter Shoemaker, Cherokee G. Shoemaker, Mary I. Shoemaker and Ira Shoemaker are also identified on the 1896 census roll. The said applicants who are not identified on said 1896 roll are too young to appear on any of the tribal rolls but are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that all the applicants who were admitted to citizenship in the Cherokee Nation as hereinbefore stated, have resided in said Nation since their admission in 1883. The other applicants herein, being the respective descendants of such admitted persons, born since 1883, are considered to have resided in said Nation all their lives.

It is further shown by the evidence that the said Mattie F. Clark died August 26, 1902.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said William H. Shoemaker, Lula B. Shoemaker, Mary E. Shoemaker, John W. Shoemaker, Calvin B. Shoemaker, Luda G. Shoemaker, Claude Shoemaker, Maud Shoemaker, Maggie M. Shoemaker, Effie Shoemaker, William M. Shoemaker, Georgia A. Shoemaker, Clem Shoemaker, Pigeon Shoemaker, Bessie R. Clark, Susie Clark, James Shoemaker, John W. Shoemaker (son of James Shoemaker), William A. Shoemaker, Grace L. Shoemaker, James W. Shoemaker, Thomas E. Collins, Mary J. Garrett, Gracie D. Garrett, Ellis E. Garrett, Tilmon E. J. Garrett, William L. Collins, Harmon A. Shoemaker, Rose Anna Shoemaker, James W. Shoemaker, Noah H. Shoemaker, Mattie M. Shoemaker, Rexie L. Shoemaker, Ella Shoemaker, Minnie M. Hensley, William W. Hensley, Angie M. Hensley, Della G. Hensley, Jesse E. Shoemaker, Oscar Shoemaker, Maud Shoemaker, Hugh Shoemaker, Walsie L. Shoemaker, Della Shoemaker, Minna Shoemaker, Grace Shoemaker, Charles F. Shoemaker, Minnie M. Shoemaker,

Bobbie Shoemaker, Walter Shoemaker, Cherokee C. Shoemaker, Mary I. Shoemaker, Richard W. Shoemaker, Ada Shoemaker, Ira Shoemaker, Thomas H. Shoemaker, Rhoda M. Brannum, Hugh A. Shoemaker, Alta M. Shoemaker and Joseph W. King, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats, 495), and it is so ordered; it is further ordered by this Commission that the application for the enrollment of Mattie B. Clark as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixey.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 16 1908

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,

Muskogee I. T. November 25th 1903.

In the matter of the application of William H. Shoemaker et al., for enrollment as citizens of the Cherokee Nation by blood, consolidating the applications of,

William H. Shoemaker et al-----Cherokee	D	123.
John W. Shoemaker et al.,-----"	D	121.
William H. Shoemaker et al-----"	D	178.
Mattie B. Clark et al.,-----"	D	205.
James Shoemaker et al.,-----"	D	279.
Thomas E. Collins-----"	D	2053.
Mary J. Garrett et al-----"	D	1064.
William L. Collins-----"	D	1065.
Harmon A. Shoemaker et al-----"	D	1071.
Minnie M. Hensley et al-----"	D	1092.
Jesse R. Shoemaker et al-----"	D	1157.
Charles F. Shoemaker et al-----"	D	1158.
Richard W. Shoemaker et al-----"	D	1159.
Thomas H. Shoemaker-----"	D	1160.
Rhoda W. Branum,-----"	D---	1161.
Hugh A. Shoemaker-----"	D	1162.
Alta M. Shoemaker-----"	D	483.
Joseph W. King,-----"	D	1164.

P R O T E S T.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered in the above case on November 16th 1903, and requests that the same be forwarded to the Honorable Secretary of the Interior for review together with the record and the briefs filed by the Cherokee Nation dated June 5th, 1902 and June 25th 1902 respectively.

The Cherokee Nation has heretofore, in the briefs above referred to, stated its views with reference to the enrollment of these people, both as to these applicants and the law which should govern them with reference to their right to enrollment and we do not think it necessary to file an additional brief except that the attention of the Department is respectfully called to the finding of the Commission wherein it is argued that some subsequent admissions to citizenship were made by other courts or commissions; the proof in this case shows that no new testimony was ever introduced before the Cherokee Commission after the alleged irregularities.

admission of William H. Shoemaker in January of 1883 but proof of relationship to him was all that was ever afterwards submitted and we contend that if he and his family were fraudulently admitted that the other admissions being based upon his admission that they were also fraudulently admitted.

The Cherokee Nation has always recognized that the Cherokee People were wards of the Government of the United States and there is no question but what Congress, by the act of June 28, 1898 intended to protect the Cherokee People against any and all fraud that had been practiced upon them, either by their own Commissions or by agents of the United States.

We do not believe that Congress intended that any technical construction should be placed upon the word "Fraud" but that the widest latitude should be given in the investigation of alleged fraudulent citizenship cases and if they found that persons were admitted to citizenship in the Cherokee Nation who were not rightfully entitled thereto that the Commission should find that ~~fraud~~ the very greatest fraud that could have been practiced was practiced against the Cherokee people. That these people are white people and not Cherokees there is not the slightest doubt, and the Commission to the Five Civilized Tribes in its decision rendered in this case confesses the inability of the greatest government on earth to protect its wards, the Cherokee People, the Cherokee Indians.

We do not believe this was the intention of Congress, we do not believe that it is the law.

D. W. C. Duncan was the educated clerk of the Court and the court was composed of two full blood Indians now dead; they are not here to testify and if living, in the very nature of things it would indeed be difficult to more directly prove fraud in this case or in any other case. We submit that these people are not Cherokee Indians they are frauds and have no equities whatever and they ought not be enrolled as citizens of the Cherokee Nation.

Respectfully,

W. Hastings
Attorney for the Cherokee Nation

J. C. B.

POOR ORIGINAL -
BEST AVAILABLE COPY

Case 35 J.H. Shoemaker

John H. Shoemaker

vs.

Shoemaker, et al

Continued until January 1931

1931.

The above case will remain open

The Commission files are as follows:

1. Originals of all papers

2. Copies of all papers

3. Copies of all papers

4. Copies of all papers

5. Copies of all papers

6. Copies of all papers

7. Copies of all papers

Coming of for final hearing

Shoemaker, et al vs. Shoemaker, et al

The Commission on January 1931

Said Commission on January 1931

Shoemaker, et al vs. Shoemaker, et al

Shoemaker, et al vs. Shoemaker, et al

Shoemaker, et al vs. Shoemaker, et al

Shoemaker, et al vs. Shoemaker, et al

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Shoemaker, et al vs. Shoemaker, et al

Shoemaker, et al vs. Shoemaker, et al

B. W. Alberty, Asst Ex Sec

ATTORNEYS:

W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Chouteau, I. T.

STENOGRAPHER:

J. C. STARR.....Vinita, I. T.

MARSHALS:

JOHN PARKSVinita, I. T.
W. B. WYLYTahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D. 125

Muskogee,

~~Vinita~~, Ind. Ter., Jan. 6, 1902.

Hon. Thomas Hunter,

Payetteville, Ark.

Dear Sir:

Some 18 or 20 years ago a very large family headed by William H. Sumack was admitted to citizenship in the Cherokee Nation by a Court of Commissioners and our people have always been of the opinion since that time that there was some fraud practiced by them. I have been advised that you knew this family in Alabama before they came and that you would probably know something of their antecedents. If you knew them there were they recognized Cherokee Indians or did you know them as ever having any Indian blood in them? We would be glad if you would give us any information whatever which would ~~throw~~ throw any light upon their citizenship.

Thanking you in advance I am,

Yours very truly,

may

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-123
et al.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1903.

W.W.Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 16, 1903, granting the application for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon Shoemake, Bessie E. and Susie Clark, James, John W., William A., Grace L., James N. Shoemake, Thomas E. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, William L. Collins, Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella Shoemake, Minnie M., William W., Angie M., Della G. Hensley, Jesse E., Oscar, Maud, Hugh, Walsie L. Della, Ninna, Grace, Charles F., Mimie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H. Shoemake, Rhoda M. Branum, Hugh A., Alta M. Shoemake and Joseph W. King as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mattie B. Clark as a citizen by blood of said Nation, she having died on August 26, 1902.

You are hereby advised that you will be allowed fifteen days from date thereof in which to file such protest as you may

W.W.H., No. 2.

desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. V-21.

A handwritten signature, possibly "W.W.H.", written in dark ink. The signature is somewhat stylized and appears to be written over a light-colored background.

Chairman.

mdg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 123
et al

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 14, 1904.

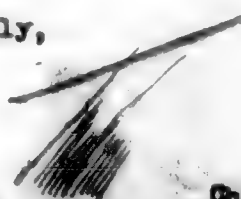
W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 16, 1903, granting the applications for the enrollment of William H., Lula B., Mary E., John W., Calvin B., Luda G., Claude, Maud, Maggie M., Effie, William M., Georgia A., Clem, Pigeon, James, John W., William A., Grace L., James H., Harmon A., Rose Anna, James W., Noah H., Mattie M., Rexie L., Ella, Jesse E., Oscar, Maud, Hugh, Walsie L., Della, Winna, Grace, Charles F., Minnie M., Bobbie, Walter, Cherokee G., Mary I., Richard W., Ada, Ira, Thomas H., Hugh A., and Alta M. Shoemaker, Bessie E. and Susie Clark, Thomas E. and William L. Collins, Mary J., Gracie D., Ellis E. and Tilmon N. J. Garrett, Minnie M., William W., Angie M. and Della G. Hensley, Rhoda M. Branum, and Joseph W. King, and dismissing the application for the enrollment of Mattie B. Clark, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,



Chairman.

Walter Agnew:

States that Thos Beavert
told him last fall during hunt that
during the citizen ship hunt that Beavert &
Foy were practicing law; that Aaron
Butler, Jim Smith, Prosecuting Attorney &
Shornaker came first to Beavert's house
hunting him or handling house; they did
not find Beavert but did learn at that
they had church & told Beavert that they
Shornaker wanted some money &
in case he could get it that night
that Smith had agreed to submit
the case without testimony; that he
let him have the money.

#

The case was submitted with no tes-
timony.

Witnesses in this case =

Walter Agnew -
Thos Beavert - Melvin -
Aaron Butler - Clarkson -
Jim Smith - Rose -

P.S. I have talked to Aaron Butler
who knows substantially the above
facts -

SHOENAKE CASE.

- 1st. Introduce the original testimony in the Shoemaker case.
- 2nd. Introduce the motion to reconsider.
- 3rd. Introduce the judgment page 39 Tehee Court record and call attention to the different handwriting.
- 4th. Introduce the petition for the children of W. H. Shoemaker and John W. Shoemaker January 30th 1883, and prove that it was in the handwriting of D. W. C. Duncan the clerk of the Commission.
- 5th. Introduce the decision from the same book page 169 admitting these children in the handwriting of D. W. C. Duncan.
- 6th. Introduce from page 146 from the same book the case of Anna Liza Shoemaker and Allie Shoemaker and call attention to William Rubanks Clerk and say they were rejected.
- 7th. Introduce application of W. C. Shoemaker September 10, 1884 page 257 same book to the Spears Court and the same was referred to Council. Prove that the Tehee court went out in November 1883
- 8th. Introduce the application of J. D. Shoemaker page 258 same book to the same court with the same result.
- 9th. Introduce the statement of Wilson Sanders who was the attorney for the Cherokee Nation before the Spears court
- 10th. Introduce the report of the Spears Commission to the Honorable D. W. Bushyhead.
- 11th. Introduce the application and all the papers in the case of James D. Shoemaker to the Adair Court August 20th 1887 and their rejection found in Book B page 51 Adair Court record.
12. Introduce the application of Alza L. Shoemaker same book page 464 and the decision of the Ross Court
13. Introduce the application of Alpha Shoemaker, page 40 same book rejected May 2, 1889.
14. Introduce the application of William L. Shoemaker same book page 41 rejected May 15th 1889.
15. Introduce the application of William L. Shoemaker page 43 same book rejected May 15th 1889.

16. William H. Shoemaker, applicant who applied for these children to the Adair Court See Book B page 464, applied to the Dawes Commission in 1896 and they were rejected--See No 3165 Dawes Commission Record--Have all of No 3165 introduced and made a part of the record in this case. They are the grand children of applicant W. H. Shoemaker.

17. James P. Shoemaker a full brother of the applicant was rejected by the Dawes Commission in 1896 in No 3164. Have full record copied.

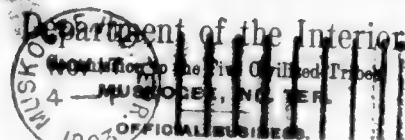
18. In No 3163. George W. Shoemaker was rejected by the Dawes Commission and he is a nephew of the applicant. Copy this case.

18 In number 3168 Mary J. Shoemaker who is the wife of the nephew of the applicant applied to the Dawes Commission and was rejected. Introduce the record.

19. In No 3163 James D. Shoemaker applied, he being the same James D. Shoemaker that applied to the Tehoe Court Page 258 and to the Adair Court page 51 book B and is a son of Elizabeth Ann Shoemaker and full sister of the applicant. This case has a statement of Wilson Sanders and some other testimony which is very important. Read it in connection with this case.

20. Introduce the original motion to reconsider by Taylor & Bengt and show the writing is in the handwriting of D. W. C. Duncan, Clerk.

21. The original record discloses that the reservation certificate was rejected by the Court.



W. W. Hastings,

Tahlequah, Indian Territory.

No. 3

FOR ENROLLMENT AS

Original to Bureau Aug 14 1900

6 Receipt for testimony

2. Proj. of source of water 3/15/72

Suff Dental testimony

11
Bilgüschil seeds of 1856.

A. Suppl. megit & testimony
& per ex. deep

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COPY OF TESTIMONY FILED
WITH THE U.S. DISTRICT COURT

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900

[Handwritten signature]

WILLIAM D. BATES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
MILLBROW, I. T., AUGUST 16th, 1900

IN THE MATTER OF THE APPLICATION OF Charles W. Nettles, on behalf of his brother-in-law, Harrison Mars, for enrollment as a citizen of the Cherokee Nation, and Charles W. Nettles, being sworn by Commissioner, C. R. Brookbridge, testified as follows:

- Q What is your name? A Charles W. Nettles.
Q What is your age? A Forty three.
Q What is your Postoffice? A Dora, Arkansas.
Q Do you want to make a supplementary statement in regard to the enrollment of a brother in law of yours? A Yes sir.
Q What is his name? A Harrison Mars.
Q Your statement then is supplementary to his application?
A Yes sir.
Q He was not identified on the roll of 1880, was he? A No sir.
Q Do you know now under what name he was enrolled in 1880?
A Yes sir.
Q Under what name was he enrolled in 1880? A Harrison Morris.
Q And you want to call attention to the mistake that you think was made in the enrollment of 1880? A Yes sir.
Q Now give please the names of some of his family that who were enrolled with him at that time? A Martha Mars.
Q Some one else? A Ida Mars, George Mars, and Frank Mars.

(Harrison Mars identified on the roll of 1880, Page 709, #47, as Harrison Morris, Sequoyah District)
Identified in what is said to be his family, given on the roll of 1880 as eight years old.

- Q How old is he? A Twenty eight.
Q Have you some one here who knew this family back in 1880?
A I think Mr. Blais knew them.
Q How did you first find out that the Mars were enrolled in 1880 as "Morris"? A My wife told me after she enrolled them in 1896.
Q Did she say it when they enrolled in 1896? A Yes sir.
Q So the family got wrong; Did she tell you the family got wrong in that way? A Yes sir.
Q And that is what you now call attention to? A Yes sir.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens


Sworn to and subscribed before
me this 24th day of August, 1900.

[Signature]

COMMISSIONER.

D 124.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 21 1960



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Hudrow, I.T., August 14, 1900.

In the matter of the application of Harrison Harris for enrollment as a Cherokee by blood: being sworn and examined by Commissioner Breckenridge, he testified as follows:

Q What is your full name? A Harrison Harris.
Q What is your age? A 38.
Q Now your post office? A Bama, Ark., I live about half a mile from the line.
Q What is your district? A Sequoyah.
Q For what do you apply now for enrollment? A Just for myself.
Q Do you apply as a Cherokee by blood? A Yes, sir.
Q Are you on the roll of 1890? A Yes, sir.
Q Were you born and raised in the Cherokee Nation? A Yes, sir.
Q And lived here all your life? A Yes, sir, I was born in Flint district.
Q Your enrollment, you think, was in Flint district in 1890?
A Yes, sir.
Q And in 1890 in Sequoyah? A Yes, sir.
Q What was your mother's name in 1890? A Martha Harris; I am satisfied it was in Sequoyah we resided, we were in Flint but I think we moved to Sequoyah just before 1890.
Q You never went before any Commission or Court or anything of that sort and were admitted? A No, sir. Frank Harris was my father's name.
Q Is he living? A No, sir, he has been dead about 15 years.
Q Was he a Cherokee? A No, sir, my mother was a Cherokee.
Q What was her maiden name? A Her name was Hodge, but some called her Hog.
Q What proportion of Cherokee blood to you claim? A 1/4, my mother was half.
Q Are there any old citizens here that know about your father and about your family? A Not as I know of.
Q Did you draw strip money? A Yes, sir.
(On 1890 roll, page 1086, No. 1017, Harrison Harris, Sequoyah district.)

Mr. Harris, your name shows that you ought to be on the roll of 1890, and you claim as a Cherokee by blood. You are not listed upon the roll of 1890, or upon the roll of 1894, neither can we identify your mother. You are found upon the roll of 1896, and it is there stated that you are a Cherokee by blood, but some evidence is desired of your having been properly recognized in the past as a Cherokee citizen, so for the present, if it is in your case will be appended and you are desired to produce such additional testimony, particularly to identify yours if on the roll of 1890 is possible. Give in writing among your family and old citizens and say how that can be done. Such information as you furnish will be taken into consideration in the formulation of the final judgment of the Commission, and you will be notified of the result. At present your application is put upon a white card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this 21st day of August, 1900.

Bruce G. Jones
Chas. E. Jones
Commissioner

A 124

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., August 17, 1900.

In the next step the application of Harrison Morris for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Brookinridge he testifies as follows:

Additional testimony in this case. Card D- 124.

Q What is your full name? A Harrison Morris.
Q You want to give some additional testimony in your application which has already been made? A Yes sir.
Q You want to correct a mistake? A Yes sir.
Q It seems that the true to in your case when you applied before was that you couldn't be identified on the roll of 1880, is that the point? A Yes sir.
Q How do you claim that you were enrolled in 1880? A My sister said that they got the name down a little wrong and put it as Morris.
Q You are found there then as Harrison Morris? A Yes sir.
Q How did your sister happen to find that out? A She noticed the roll in 1884 when she enrolled, and noticed it was that way.
Q Is all the ~~the~~ family found there enrolled that way, as Morris? A Yes sir.
1880 roll, page 709 #647 Harrison Morris, Sequoyah District.
Q Give me the names of some of your family who were enrolled there? A My father Frank.
Q What is the name of your mother? A Martha.
(Martha is duly identified on the roll of 1880.)
Q What are the names of your brothers? A George.
(He is duly enrolled.)
Q Give the other brother? A Cornelius.
(He is duly enrolled.)
And sister Ida.
(Ida is enrolled.)
And Charlie? (He is also enrolled.)

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M.D. Green

Subscribed and sworn to before me this 24 day of August 1900.



Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Harrison Marrs for enrollment as a citizen of the Cherokee Nation.

On the 14th day of August, 1900, Harrison Marrs appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Harrison Marrs was placed upon a "Doubtful" card, awaiting identification upon the 1880 authenticated tribal roll of the Cherokee Nation.

Further evidence has been submitted in this case, and the following decision is rendered:

DECISION

--c0c--

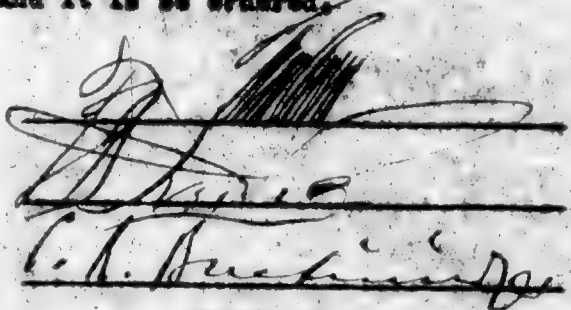
From all the evidence of record in this case, it appears that Harrison Marrs has resided in the Cherokee Nation all his life; he is duly identified upon the 1880 authenticated tribal roll of the Cherokee Nation, and upon the Cherokee census roll of 1896.

The Commission is directed to make rolls of citizenship of the Cherokee Nation by the following provisions of the Act of Congress approved June 26, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal

authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Harrison Harris is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

A handwritten signature, likely of C. H. Buchanan, is written over a horizontal line. The signature is in cursive and appears to be "C. H. Buchanan".

Commissioners.

Dated at Muskogee, Indian Territory.

this 22 day of May, 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D-124.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Harrison Marrs for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-124.

Harrison Mar

Transferred to Cherokee 9509.

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Cher D 125

Q 125 -

DEPT. OF JUSTICE
COMMISSION TO THE FUTURE
FILE
SEP 12 1961

[Handwritten signature]

W. J. [unclear]

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C. 20530
SEP 12 1961
[Faint, mostly illegible text follows]

STUDY TO BE DONE BY [unclear] FOR [unclear]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muldrow, I. T., August 14th, 1900.

In the matter of the application of Joshua K. Carr for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Brockinridge; testified as follows:

- Q What is your full name? A Joshua K. Carr.
Q What is your age? A 31.
Q What is your postoffice? A Remy.
Q What is your District? A Sequoyah.
Q Who do you apply to have put on the roll now? A Myself.
Q Do you apply as a Cherokee by blood? A No sir, adoption.
Q You don't apply for anybody but yourself? A That's all.
Q Is your wife dead? A No sir.
Q Do you apply through intermarriage? A Yes sir.
Q Why don't you apply for your wife? A We are separated.
Q What was your wife's name? A Rachael Henson.
Q How old is she now? A I don't know, I think she's about 23.
Q Henson was her name before she married you? A Yes sir.
Q When were you and she married? A In '90.
Q Did you marry her when she was 13 years old? A I don't remember.
Q Have you a marriage license? A Yes sir.
Q Was the minister who married you a white man or an Indian? A A white man.

You present here a duly authenticated marriage license issued by J. H. Adair, Clerk of the Cherokee Nation, at his office, dated the 24th of January, 1890, authorizing your marriage as stated by you. The certificate of marriage though not distinctly made out shows that you were married according to said license on the 26th of January, 1890, and the endorsement shows that these papers have been duly recorded. This will be filed with your application.

- Q Is your wife on any of the rolls of the Cherokee Nation? A Yes sir.
Q Is she on the roll of 1880? A I don't know whether she is or not.
Q Have you lived in the Cherokee Nation ever since you were married in 1890? A Yes sir.
Q When did you and your wife separate? A We separated in about two months after we were married.
Q Have you been granted a divorce? A No sir.
Q Have you ever remarried? A No sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir on '96.

1896 roll; page 1112, #41, Joshua K. Carr, Jr., Sequoyah Dist.
1880 roll; page 700, #610, Rachel Henson, Sequoyah Dist. (Identified as a native colored citizen.)

- 1896 roll; page 1071, #633, Rachel Gant, Sequoyah Dist.
Q Is she married to this man Gant or just living with him? A She married him by Arkansas law.

Mr. Baugh, representative of the Cherokee Nation:

- Q How long did you say you lived with your wife after your marriage? A About two months.
Q Then you separated? A Yes sir.
Q What was the cause of that separation? A I couldn't tell you. She left me two or three times and then I took her back; she said she was dissatisfied.
Q Did you have a home, you and her together of your own? A No sir; we were renting.
Q Did she leave the house in your possession and go off? A Yes sir.
Q How was it that you never applied for a divorce? A I didn't think that I needed it.
Q You would rather be tied to the woman than cut loose? A I don't know; I didn't think that I needed any divorce.
Q Did you ever apply to the Dawes Commission for admission in 1896? A No sir never did in my life.

Com'r. Freedmridge:

Q What correspondence is this you have been having with the Dawes Commission at Muskogee? A It is regarding some land and swapping places.

Mr. Smith, representative of the Cherokee Nation:

The Cherokee Nation desires the evidence of his wife to be taken in the manner of their parting or desertion, and ask that his case be placed upon a white card, a doubtful card, until this investigation can be had.

Com'r. Freedmridge:

This applicant establishes his marriage under Cherokee law in 1880 as shown by the license and certificate filed herewith. His wife to whom he was then married is identified on the roll of 1880, where the roll bears a note to the effect that she is a native colored citizen. He is identified on the roll of 1896 and states that there has been no divorce in his case and that he has never remarried. It appears that his wife, however, has remarried in Arkansas, an act presumably she would not perform unless she had a divorce from him. Now, by reason of a request from the Nation and also because of the uncertainty obtained in regard to the separation and also in regard to the rights that might be conferred by intermarriage to a native colored Cherokee by a white man, if such be really the fact in this case, judgment will be suspended for further inquiry and consideration and this application will be put upon a doubtful card. The applicant will be informed of the final decision in his case by the Commission and that decision will be forwarded to the Secretary of the Interior for his approval along with any evidence now or hereafter submitted on either side.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Edward L. Schenck

Subscribed and sworn to before me this 8th day of September, 1900.

[Signature]
Commissioner.

Supplementary testimony:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 17, 1900.

Alonzo Williamson being sworn by Commissioner Breckinridge, testified:

Q What is your name? A Alonzo Williamson.
Q Your age? A 49.
Q Your postoffice? A Muldrow.
Q You want to give supplementary testimony in a case that has already been heard? A Yes.
Q Is it in the application that you made for yourself? A No sir.
Q Whose application is it? A Mr. J. K. Carr's.
Q He was an intermarried citizen? A Yes.
Q And the question was whether he had abandoned his wife, or his wife had abandoned him? A Yes.
Q Well what do you know about that? A I think she told me that she left him and left him because she was not satisfied with him.
Q I asked her why she did not live with him. She said, "Well I have become dissatisfied with him. I did not love him well enough to live with him--- I thought I would when I married him."
Q She said that to you? A Yes. She was a niece of my wife's.
Q Did she say that in the presence of anyone else? A No sir, she said that sitting on my porch.
Q Was anybody there but you? A My wife was there in the kitchen getting dinner.
Q She didn't hear? A No sir. She might have heard it after that; I have heard her talk after that.

By Mr. W. T. Hutchins, Attorney for the Cherokee nation:

Q Where were they living at the time of their separation? A On Frank Snow's place, brother's place.
Q Who remained at the place where they had formerly lived together? A Carr. I worked for Carr that Spring.
Q Did Carr continue to keep house for himself? A Yes.
Q Where did she go to? A To her mother's.
Q Did she say anything about whether Carr had treated her kindly or not? A No sir.
Q Did she say he had treated her all right? A She said he had never mistreated her more than having a little family fuss.
Q Did she say that the family fuss was pretty continuous? A No sir, she did not make any complaint about it.

By Mr. Breedlove, Attorney for Carr:

Q You state, Mr. Williamson, that you worked on the place that Mr. Carr had rented? A Yes, I worked for Mr. Carr.
Q What year was that? A In '90 I believe, I won't be positive.
Q You know of your own personal knowledge that Mr. Carr remained at the home that he had ~~lived~~ lived at before his wife and he separated? A Yes, he remained there. He lived in another house up by where Mr. Snow lived on the same farm and kept house.
Q Are you in any way related to Mr. Carr? A No sir, I am no blood connection--- his father married my wife's sister, and his wife was my wife's niece.
Q Do you know where she is now? A No sir. I heard she was living on her brother's place.
Q Do you know whether she has married again or lived with anybody else?
Q I have heard that she lived with two men since that--- I don't know whether she was married to them or not, but she has lived with two men

since then and got children by both of them.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony of the above named witness and the proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown McCombs

Subscribed and sworn to before me this 6th day of September,
1900.



Commissioner.

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Subscribed and sworn to before me this Twelfth 30, 1902.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

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Commissioner.

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Ralphie notes thereby.
the above and foregoing is an accurate transcript of his statements and proceedings had in the above entitled case; and that Commission to the Five Civilized Tribes, he correctly recorded the E. C. Bessell on each statement, that an stenographer to the

"R"

Supl. to D 125.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Joshua K. Carr, to be enrolled as a citizen of the Cherokee Nation:

Appearances:

J. W. Breedlove, Muldrow, I. T., for applicant;
W. W. Hastings, attorney for Cherokee Nation.

DANIEL HOLT, being sworn and examined, testified as follows:
Examined by Mr. Breedlove:

- Q What is your name ? A Daniel Holt.
Q How old are you ? A 42.
Q What is your post office address ? A Long, I. T.
Q Do you know Joshua K. Carr ? A Yes sir.
Q How long have you known him ? A Well I have known him upwards of twenty years.
Q Did you know Rachel Henson before Mr. Carr married her ?
A Yes sir.
Q Do you know anything about him living with her, and how long he lived with her after they were married ? A Yes sir, I know something about him living with her; but I don't know how long he lived with her.
Q Do you know what caused them to separate ?
A No sir, not to my personal knowledge I do not. I knew they separated.
Q You don't know what caused them to separate ? A No sir.
Q Do you know whether or not Mr. Carr tried to get her to come back and live with him ? A Yes sir.

Mr. Hastings: Ask him how he knows.

Mr. Breedlove: How do you know he asked her to come back and live with him ?

- A He come to me, Mr. Carr himself, and wanted me to go and talk to the woman for him. That's how I know.
Q Did you go and talk to her for him ? A Yes sir.
Q Did she go back, or did you try to get her to go back ?
A Yes sir, I tried to get her to go back; but she flatly denied me and said she had married him and didn't love him, and wasn't going back to him.
Q And so she never did go back ? A No sir.

Examined by Mr. Hastings:

- Q How long did they live together ? A I do not know.
Q A month ? A Over a month I guess.
Q Two months ? A I can't say positive how long.
Q How far did you live from them ? A 3 or 4 miles.
Q Do you know they lived together more than six months ?
A They lived together quite a while; I can't say how long.
Q Can you tell whether it was one month or two years ?
A I will say about six months.
Q I am just trying to get your judgment. Did he have a house ?
A Yes sir.
Q Did he continue to live in the house, or her ? After separation
A No sir, not to my knowledge.
Q Who lived in the house after their separation—that they had been living in ? A Nobody.
Q Both left it then didn't they ? A I guess they did.
Q Where did he go to ? A I do not know.

- Q Have you ever seen him since? He has been going from place to place? Had no home?
- A At that time he didn't. He has now.
- Q Ever marry since? A No sir.
- Q When did you go to talk to this woman; the other day?
- A No sir.
- Q Has it been since this enrollment? A No sir. I'll tell you just when it was. It was about three or four months before the Cherokee payment in 1894 or 1895.
- Q That was about the time she was going to draw money?
- A Yes sir.
- Q You went to her at that time to get her to come back and live with the man? A Yes sir. According to promise.
- Q Ever go after payment? A No sir.
- Q He never sent you then did he? A No sir.

Examined by Mr. Breedlove:

- Q Didn't you say you don't know where Dora lived after he sent you to this woman? A No sir.
- Q To refresh your memory, I will ask you if you don't remember he lived on the same place, the farm where he had always lived?
- A Yes sir, of course he made a crop there.
- Q Did he live in a different house? A He lived there that year, and then from that I don't know where he lived. Of course it has been so long ago. He had a place and was working the place.
- Q Do you know what became of her? A Yes sir.
- Q What became of her? A She went strolling around.
- Q Where did she go to? A In the first place she run off with a man by the name of George Turk.
- Q Did she stay in the Territory or did she leave?
- A She stayed in the Territory.
- Q Continually? A She never left it.
- Q Doesn't she live in Uniontown, Arkansas?
- A No sir, her post office address is Long.
- Q When she left him she went off with another man? A Yes sir.
- Q She didn't stay around this place where they lived prior to their separation? A Not to my personal knowledge.

Examined by Mr. Hastings:

- Q Did she ever run off with another man before she run off with him? In other words: did she ever live with any other man before that?
- A Not to my personal knowledge.
- Q How long have you known her? A All her life.
- Q She never married before? A No sir.
- Q Never had any children before? A No sir.

The Commission: You submit this case to the Commission for final consideration, Mr. Breedlove?

Mr. Breedlove: Yes sir.

The representative for the Cherokee Nation also submits the case for the Cherokee Nation; and the same is closed.

H. C. Bagwell, on oath states, that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled case, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this February 20, 1904.

[Signature]

Commissioner.

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7-14DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joshua K. Carr for enrollment as a Cherokee citizen.

On August 14, 1900, Joshua K. Carr appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence his name was placed upon a "Doubtful" card.


On February 16, 1902, further proceedings were had in the matter of this application and the case is submitted for final consideration.

It appears from the evidence that the applicant claims the right to enrollment by virtue of intermarriage under authority of a Cherokee marriage license on January 26, 1890 to Rachel Henson. Rachel Henson is alleged to be identified on the authenticated tribal roll of 1880 as a native colored citizen. A careful examination of the 1880 roll shows that her classification thereon as colored is a clerical error, resulting from the carrying out of "ditto marks" under the names of several colored people. The family of Rachel Henson are identified by the records of this Commission as Cherokees, and it is apparent that Rachel Henson should have been classified on the 1880 roll as a Native Cherokee.

It further appears from the evidence in this case that applicant and his wife lived together for only a few months after their marriage and that she left him. It would appear that she was simply dissatisfied with her lot. It appears that applicant tried to get her to come back to live with him, but was unsuccessful. He has not re-married since the separation between him and his wife. He has resided in the Cherokee Nation since 1890, and he is identified on the Cherokee Census roll of 1896.

D E C I S I O N .

In view of the facts in this case the Commission decides that Joshua K. Carr is entitled to be enrolled as a citizen by inter-marriage of the Cherokee Nation under the provisions of paragraph 1, section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is therefore so ordered.


C. H. Buckmaster
Commissioners.

Dated at Muskogee, Indian Territory,
JUN 9 - 1902



DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

In the matter of the application of Joshua K. Carr for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #9510.

Cherokee Nation appears by J. C. Starr.

JOSHUA K. CARR, being duly sworn, testified as follows:-

Examination by the Commission.

- Q. What is your name? A. Joshua K. Carr.
Q. What is your age? A. 33.
Q. What is your post office? A. Remy.
Q. You are a white man? A. Yes, sir.
Q. Claiming as an intermarried citizen? A. Yes, sir.
Q. What is your wife's name? A. Rachel Henson.
Q. That was her maiden name, was it? A. Yes, sir.
Q. Is she a Cherokee by blood? A. Yes, sir.
Q. When were you married to her? A. In '90.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. Yes, sir.
Q. Neither you nor your wife were ever married before, were you?
A. No, sir.
Q. Were you married under a Cherokee marriage license?
A. Yes, sir.
Q. Have you and your wife been living together ever since 1890?
A. No, sir.
Q. You have separated? A. Yes, sir.
Q. When did you separate? A. I forget what the date was. We only lived together about two months.
Q. What was the cause of the separation between you?
A. I couldn't tell you. She just left.
Q. Did she tell you why she left? A. No, sir.
Q. Did she tell you she was going to leave? A. No, sir.
Q. She just left without saying a word? A. Yes, sir.
Q. Had you had any trouble? A. No, sir. She went off with a fellow by the name of George Turk; some call him Lacey. He had two names.
Q. Did she ever come back to you? A. No, sir; I couldn't get her to come back. I tried to get her.
Q. Did she assign any reason for leaving? A. No, sir.
Q. Have you married since your separation? A. No, sir.
Q. You are a widower? A. Yes, sir. She has been married twice according to the Arkansas law.
Q. After she left you? A. Yes, sir.
Q. Had she been married before she married you? A. No, sir.
Q. How old is she? A. I declare I don't know what her age is.
Q. Have you lived in the Cherokee Nation ever since you were married? A. Yes, sir.
Q. Is your wife on the roll of 1880? A. Yes, sir.

Examination by Mr. Starr.

- Q. Where were you living when the separation took place? A. Living on Leaf Creek. She went back to her folks near the Arkansas line.
Q. In the Cherokee Nation? A. Yes, sir.
Q. How far is that from where you were living? A. About three miles.

Q. What reason do you give for her leaving you? A. None at all.
I don't know as she had any reasons for leaving.
Q. Where were you when she left? A. I was at home at work.
Q. How long was it after she left before you saw her again?
A. Why, I guess it was a month, may be.
Q. Did she tell you any reason why she left? A. Yes, sir.
She said she was dissatisfied and didn't want to stay with me.
Q. Did you provide for her? A. Yes, I think I did.
Q. Didn't treat her unkind in any way? A. No, sir.
Q. What is the name of her father? A. Sam Henson.
Q. What is the name of her mother? A. Mary Henson.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{18th} day of December, 1902.


Notary Public.

Aug the 22 .01

M. R. hasing
in answer to yours
of car he was
my first husband

ben - he made me
leave him i thant
A miff of car too
of livd with him
if he would of
let me

So no more
at presant

R. H. Surt

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COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE BEING MADE TO THE FOLLOWING

Cher. D-125.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

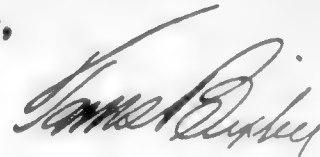
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Joshua K. Carr for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,



Acting Chairman.



Encl. D-125.

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

CHEROKEE ENROLLMENT

MUSKOGEE IND. TER. June 13, 1902

Mrs Rachel Stewart,

Long I. T.

Dear Madam:

I write you again with reference to your separation from Joshua K. Carr. The testimony in this case is that he was married to you in accordance with Cherokee Laws and that you lived together about two months and that you left him and that since that time you were married to your present husband.

Two or three witnesses among others Alonzo Williamson and Daniel Holt testify in Carr's favor. They say that you told them that you left Carr on your own accord because you did not love him and because you did not desire to live with him and Holt testified that you went off with another man when you left. How can I know the true facts about this case. The answer which I received from you is not specific and definite enough. If you left this man I want to know it and for what cause. If he left you I want to know under what circumstances he left you. Please get one of your neighbors to write me a letter in detail telling me all you know about Carr, how long you lived with him. Whether or not you had a home of your own; the cause of the separation and who remained upon the home place after your separation. Also state whether or not he ever made any effort to get you live live with him after you separated and any fact you may know which might affect the right of the applicant Joshua K. Carr to be enrolled as a citizen of the Cherokee Nation.

Very respectfully,

W. W. Hastings

J. C. S.

Attorney for the Cherokee Nation.

Rome J. I.
June 9/21 1907

Mr W. W. Hasting

Dear Sir I have just
received your letter of
the 13 of June. and in reply
to your letter. I will give
you all of the Information
I can. regarding our separation
the testamonia of Mr. Florio
- Williamson & Mr. Daniel
- Holt. is false.

I got Mrs. Henson. to go to
Mr. J. H. Carr. and talk to
him. and try to get him to come
and live with me and he would
not talk with her. about
liveing with me. and said
all that he married me
for was to get a wife. that
he did not love me. I left
Mr. Carr.

for he whipped me and drove
me off. I had no home only
with my Mother. I went Back to
him the second time and he
threw my things out of the
house and drove me off.

I lived with Mr. Carr, about
2. Months. Mr. Carr. tried to get
me to live with him about
2 weeks before the strip-
payment. Mrs. Carr his step-
mother. told me that she
heard him and his father
a making it up to marry
me. and get a rite. and then
leave me. if any Body lived
on our place after we parted
I dont know any thing about
it. all that I have told you
is the truth. about our case.
yours respectfully Rachel. Stewart
Remy. J. T.

IF NOT DELIVERED IN TEN DAYS RETURN TO

Attorneys for the Cherokee Nation

MUSKOGEE, INDIAN TERRITORY



W. W. Hatching

Muskogee

J.S.

8126-



W W Hastings, J L Baugh
allies of Cherokee Nation
Chinita, Ky

Her evidence should be
examined.

CHEROKEE

49123

Joshua N. Carr,

Transferred to Cherokee 4510.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 17 1900



ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HILDROW, I. T., AUGUST 18th, 1900.

In the matter of the application of Amanda A. Dunn for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Amanda A. Dunn.
Q What is your age? A Forty four.
Q What is your Postoffice? A Hildrow.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What District do you live in? A Sequoyah.
Q How long have you lived in Sequoyah District? A Two years.
Q Where did you live before that? A I lived in Going Snake District; I was born and raised in Going Snake.
Q How long have you lived in the Cherokee Nation continuously?
A Nearly all my life.
Q Have you ever lived out of the Cherokee Nation? A Yes sir.
Q When was that? A Three years ago.
Q Where did you live then? A Benton.
Q Where? A Arkansas.
Q You lived in Arkansas? A Yes sir.
Q When did you move to the State of Arkansas? A I can not tell you just when; I stayed there a year.
Q Do you recollect how many years ago? A Three years ago.
Q How long did you live there? A Just stayed there one year.
Q Did you have you family there? A No sir; I had no family.
Q Did you have any farm in the Cherokee Nation? A Yes sir.
Q Did you have one before you went over there? A No sir.
Q Got one since? A Yes sir.
Q When do you want to enroll? A Myself.
Q Just yourself? A Yes sir.
Q You lived in Arkansas a year? A Yes sir.
Q Then returned to the Cherokee Nation; bought a place; and have been living here ever since? A Yes sir.
Q You had always lived in the Cherokee Nation before you went to Arkansas? A Yes sir.
Q What were you doing in Arkansas? A Just working; first at one thing, then another.
Q Were you married at that time? A No sir.
Q Have you ever been married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a non citizen? A Yes sir.
Q When were you married? A In 1880.
Q Was he living with you when you went to Arkansas? A Yes sir.
Q In 1880? A I believe it was in 1880.
Q Were you living in Arkansas in 1880, twenty years ago; how many times have you been married? A Twice.
Q When were you married the first time? A I have got so I can not hardly remember anything.
Q Do you recollect about how many years ago it was? A No sir.
Q Twenty years ago? A About ten years ago, I reckon.
Q When you first married; probably twenty years ago? A Yes sir.
Q What was his name? A Hulton.
Q Was he a citizen by blood? A Yes sir.
Q What is his first name? A John Henry.
Q Is he living? A Yes sir.
Q You and him were living together; did you? A Yes; were separated then, did you? A Yes sir.
Q Then, when did you marry? A Robert Dunn.
Q When did you marry Robert Dunn? A Year of 1890.
Q Was he a citizen? A No sir.
Q Non citizen? A Yes sir.
Q Where did you marry him? A Crawford County, Arkansas.

Q Were you living there at that time? A No sir.
 Q Then did you come back? A Yes sir, came back and stayed a couple of months.
 Q And made a crop in Arkansas in 1891? A Yes sir.
 Q How long did you stay there that time? A Not quite a year; then came back to the Nation, Sequoyah District.
 Q About 1892? A Yes sir.
 Q How long did you stay here then? A We made a crop, then went back again.
 Q How long did you stay there then? A It seems like we stayed a couple of years.
 Q Where did you go after that? A Back to the Nation.
 Q About 1895, you came back? A Yes sir.
 Q Where have you lived since you came back that time; did you go back after that again? A Yes sir; it seems like we did.
 Q That was in 1898; then you went back to Arkansas; how long did you stay that time? A ~~From 1898 to 1900~~ Just during berry picking time.
 Q Came back in 1896? A Yes sir.
 Q Where have you been living since you came back then?
 Q Right here in the Cherokee Nation.
 Q Was your husband with you all this time? A Yes sir.
 Q Are you living together now? A Yes sir.
 Q Have you been living together all the time? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q Did you go into Arkansas, expecting to remain there permanently?
 A Yes sir.
 Q You left nothing here, when you left? A I left a cow, a calf, some sheeps, chickens and things; I never have had all the things out of here.
 Q Did you expect all the time to come back to the Nation?
 A My husband thought he could not make money in the Nation, and had to go to Arkansas.
 Q Where did you consider was your home all the time?
 A We had no home then, until we bought one; we just had a place rented here and there.
 Q Then as I understand you, you always left here with the intention of coming back? A Yes sir.
 Q Never with the intention of remaining in the State? A No sir.

By the Court:

Q What is your mother's name? A Mary H. Morgan.
 Q Is she a Cherokee by blood? A No sir.
 Q What is your father's name? A Joe Weaver.
 Q Was your mother married to your father? A Yes sir.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A R. F. Dunn.
 Q What is his father's name? A Robert Dunn.
 Q How old is he; do you apply to enroll him? A No sir.
 Q About how old is he? A About thirty five.
 Q Is he a non citizen? A Yes sir., he is a non citizen; we were not married according to Cherokee law.
 Q You never have been married according to Cherokee law?
 A No sir.
 Q Have you any children? A No sir., we and him have not got any children; I have one son; he is seventeen years old.
 Q What is his name? A William Penn Kirk.
 Q How does his name happen to be William Penn Kirk; is he Hamilton's child? A No sir.
 Q Weaver's child? A No sir.
 Q How old is he? A Seventeen.
 Q He is a child of yours, is he? A Yes sir.
 Q What was your maiden name? A Weaver.

(Applicant identified on the roll of 1890, Page 451, #1070, as Wendy Horton, Going Snake District)
(On the roll of 1894, Page 981, #426, as Amanda Denn, Sequoyah)

Virgil A. Garner, being called and sworn, testified as follows:

- Q What is your name? A Virgil A. Garner.
Q What is your age? A Thirty.
Q What is your Postoffice? A Remy.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Amanda Denn? A Yes sir.
Q How long have you known her? A Ever since I can recollect.
Q Do you know whether she is a citizen of the Cherokee Nation?
A I never heard of her being rejected.
Q Do you know what her name was in 1890? A Weaver, I think.

Applicant recalled:

- By Mr. W. F. Hastings, Cherokee Representative:
Q You say your mother died before 1890? A Yes sir.
Q Joe Weaver is living? A Yes sir.
Q Your citizenship comes through your mother? A No sir; my father.
Q What District have you resided in? A Going Snake.
Q What is your mother's name? A Mary Melinda Horton.
Q Did you ever have a brother named John? A No sir; I had a step brother named John.
Q Did your father, when he married the second time, marry another Mary? A Yes sir.
Q By the Commission.
Q What is your mother's name? A Mary.
Q What is your own mother's name? A Mary M. Horton.

The name of Amanda Denn appears on the authenticated roll of 1890, and upon the pay roll of 1894; On the roll of 1896, her name can not be found; neither can her mother's name be found on the roll of 1890. The name of her child, William Penn Kirk, being found on the pay roll of 1894, as William Penn (Page 981, #426, Sequoyah District); and his name not being found on the census roll of 1896; proof being made as to his residence; - (For proof of said Amanda Denn, see the testimony) - Final judgment as to the enrollment of Amanda Denn and her child, William Penn Kirk will be suspended; Their names will be placed on a doubtful list.

R. R. Crayens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Crayens

Sworn to and subscribed before
me this 18th day of August, 1900.

[Signature]

COMMISSIONER.

United States of America
Northern District Indian
Territory Department of
Interior Commission of the
Five Civilized Tribes
Amanda A Dunn for her self
and William Penn Kirk

VS

The Cherokee Nation
To W. W. Hastings
Attorney for Cherokee Nation

Application
for entry and
admission
to the
Cherokee
Reservation

You are hereby notified
that depositions of witnesses to be
read in evidence in the
above entitled case on the part
of said Amanda A Dunn and
her child the said William Penn
Kirk will be taken at Winston
Kearney's Cherokee Nation
Office at Couch on the 10th day
of March AD 1902 between
the hours of Eight o'clock in
the forenoon and Six o'clock
in the afternoon and that the
taking of said depositions is
not completed on that day
will be continued from day to
day and between 9 and

Muskogee, I. T., Feb. 25th, 1902.

In Re-

The application of Amanda Dunn,
Cherokee Doubtful No. 126.

PROTEST OF THE CHEROKEE NATION
AGAINST THE TAKING OF DEPOSITIONS.

Upon this day, the same being the 25th day of February, 1902, the following notice was handed to take depositions in the above case on March 10th, 1902.:

"United States of America, in Northern District, Indian Territory, Department of the Interior, Commission of the Five Civilized Tribes.

Amanda A. Dunn, for herself
and William Pumpkin,

vs

The Cherokee Nation.

Application for citizenship.

Notice to take depositions.

To W. W. Hastings, Attorney for the Cherokee Nation.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled cause on the part of said Amanda A. Dunn and her child, the said William Pumpkin, will be taken at Westville, Coingsake, Cherokee Nation, in office of R. E. Couch, on the 10th day of March, A. D. 1902, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and that the taking of said depositions if not completed on that day will be continued from day to day at the same place and between the same hours until completed.

Witness our hand and seal this 22nd day of February,

A. D., 1902.

AMANDA A. DUNN, for herself and minor child, William Pumpkin, by J. H. HUCKLEBURY, SR., Atty for applicants."

You will notice that no reason whatever is assigned in this notice to take depositions in the ^{now is any reason given} above case is given for not bringing the witnesses in person before the Commission where they can be examined and cross-examined, and have the facts within their knowledge fully developed for the benefit of the Commission; and the Cherokee Nation wants to most earnestly protest against the granting of any application to take ^{any} depositions whatever, for the reason, as the Commission is well advised at this time, that the Cherokee Nation has but one representative so far as Cherokee Doubtful cases are concerned before the Commission, and it will be a matter of impossibility for him to attend the various places throughout the Cherokee Nation and there cross-examine any witnesses who appear for the taking of their deposition. And if the Commission is going to allow ex parte depositions to be taken there will be no difference whatever between the depositions and an affidavit; and we feel certain that there will be no way whereby the Cherokee Nation can be protected against fraud, and the Commission itself against imposition; it can not be argued that time has not been given these people, because the Commission has been engaged in this work since May, 1900, and has held sessions at various points over the Cherokee Nation, convenient to the applicants, where they could attend in person or by ~~attorneys~~ representative and bring witnesses before the Commission where they could be examined and cross-examined in person; and no excuse is shown in the application or notice to take depositions why any exception whatever should be made in this case. And I therefore at this time address this communication to the Commission in hope that some formal reply will be made by the Commission so that the Cherokee Nation will know whether or not depositions taken in accordance with this notice will

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Amanda A. Dunn for enrollment of herself and son as Cherokee citizens:

Appearances:

J.H. Huckleberry, Sallisaw, I. T., attorney for the
applicant;

W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant, Amanda A. Dunn, was notified
by registered letter February 4, 1902, that her application for
the enrollment of herself and children as citizens of the
Cherokee Nation would be taken up by the Commission at its
offices at Muskogee, Indian Territory, for final consideration
on the 18th day of February, 1902; on said date the applicant
appears by her attorney, J. H. Huckleberry, Sr., Sallisaw,
Indian Territory, and by agreement between said attorney
and the representative of the Cherokee Nation present the case
was continued until the 3rd day of March, 1902; the applicant
this day by attorney appears before the Commission and the
case is taken up for final consideration.

BY COMMISSION OF MR. HUCKLEBERRY: Any statement you desire
to make in this Amanda A. Dunn case? A No sir, I have got the
testimony; I may want eight or ten days to file a brief.
You submit the case on the evidence now of record? A Yes sir.

BY COMMISSION: The attorney for the applicant and the rep-
resentative of the Cherokee Nation present submit this case
and same is ordered closed and reported to the Commission
for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted ten days in which to file a brief in the case, one
copy with the Commission and one copy with the representative
of the Cherokee Nation.

M.D. Green states that as stenographer to the Commission to the
Five Civilized Tribes he correctly recorded the testimony and
proceedings in this case and that the foregoing is a true and
complete transcript of his stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda A. Dunn, for the enrollment of herself and her son William P. Kirk as citizens by blood of the Cherokee Nation.

DECISION.

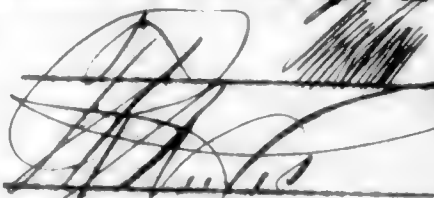
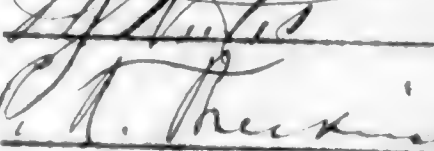
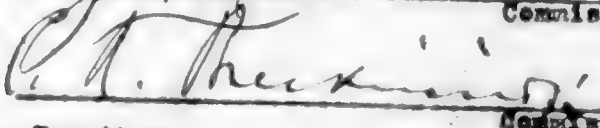
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On August 15, 1900, Amanda A. Dunn appeared before the Commission at Muldrow, Indian Territory, and then and there made personal application for the enrollment of herself and her son William P. Kirk, as citizens by blood of the Cherokee Nation. It appears from the evidence that the principal applicant, Amanda A. Dunn is identified on the authenticated tribal roll of 1880. She has lived in the Cherokee Nation since that time excepting for temporary absences in the State of Arkansas. She is identified on the Strip payment roll of 1894. Her son William P. Kirk was born to her since the preparation of the roll of 1880. He is also identified on the Strip payment roll of 1894.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21 of the Act of Congress, June 25, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that Amanda A. Dunn and her son William P. Kirk are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 126.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Amanda A. Dunn et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-126.

CHEROKEE

Amanda A. Dunn et al

Transferred to Cherokee 9511.

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Cher D127

D-127

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MILBROW, I.T., AUGUST 15, 1900.

In the matter of the application of W. R.W.C. Keys for enrollment of himself, wife and children, said keys being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A W.R.W.C. Keys.
Q What is your age? A I will soon be 53 years old.
Q What is your postoffice address? A Milbrow.
Q What is your district? A Sequoyah.
Q Whom do you apply to have enrolled? A Myself and family.
Q Have you any children? A Yes, six under age and unmarried.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q Do you apply for your wife as a Cherokee by blood? A She is white.
Q Are you on the roll of '80? A No sir.
Q You are an admitted citizen? A Yes.
Q Admitted in '87? A Yes.
Q Have you lived in the Cherokee Nation ever since you were admitted? A Yes.
Q Lived all the time in Sequoyah? A No sir.
Q What is your wife's name? A Mary R.
Q How old is she? A 42.
Q How long have you been married? A 18 years.
Q Have you ever been married according to Cherokee law? A No sir.
Q Was your wife ever admitted by the tribal authorities? A Yes.
Q Where is your certificate of admission to citizenship? A I have it with me.
Q This ~~paper~~ you hand me is a letter dated October 20, 1896, from S. H. Hayes, principal Chief, of the Cherokee Nation, saying that Mr. Keys is shown by the records to be an admitted citizen, but that the books were at that time in the hands of the census takers. It makes no mention of his wife. It is returned to him.
Q Do you claim that your wife's name was on the same certificate as yours? A I cannot tell you whether it was on that certificate or not; I disremember.
Q Is she on the roll of '96? A Yes.
Q Have you any license or certificate of marriage with your wife?
A No sir.
Q Have you any person testimony here? A I have a nephew here on the grounds, but I don't know whether he knows anything about it.
Q Have you some neighbors who know you lived together as husband and wife? Mr. D. M. Fortner I reckon knows. ~~that~~ I have lived by him about five years.
Q Your nephew knows that you and your wife live together doesn't he?
A Yes.
Q What is his name? A Charley Keys.

Q What is your name? A Charles Keys, being sworn, testified, as follows:

- Q Your age? A 23.
Q Your postoffice? A Wauhatchie.
Q How long have you lived in the Cherokee nation? A 19 years.
Q The applicant here, Mr. W.R.W.C. Keys is your uncle? A Yes.
Q He is a married man isn't he? A Yes.
Q Did you know him before he came to the Territory? A Yes.
Q What is his wife's name? A Mary R. Keys.
Q They were married before they came here? A Yes.
Q Do you know whether they have lived together as husband and wife ever since he came here in '87? A Yes.
Q And are still living together at this time? A Yes.

Q About how long before that had they lived as husband and wife?
A I don't exactly know.
Q Do you know that they had lived together so many years? A Yes.

Continuation of applicant's testimony:

Q What are the names of your children? A R.W.W., 17 years old.
On '96 roll, page 1078, number 784, as Richard W.W. Foye.
Q Next? A W.T.W., 16 years old.
On '96 roll, page 1078, number 785, as Watkinson T.W.
Q Next one? A G. A. L., 14 years old.
On '96 roll, page 1078, number 786, as George A.L.
Q Next one? A L. D., 12 years old.
On '96 roll, page 1078, number 787, as Lonnan D.
Q Next one? A W. C., 7 years old.
On '96 roll, page 1078, number 788, as Walter C. Foye.
Q Next one? A O. G., 6 years old.
On '96 roll, page 1078, number 300, as Otta G. Foye.
Applicant on '96 roll, page 1078, number 783, as William R. Foye.

Applicant's wife on '96 roll, page 1115, number 88.

The applicant states that he was admitted to citizenship by the Cherokee Commission on April 1, '87, and that his children then living were also admitted at that time, but expresses doubt as to whether his wife was admitted with him, and states that they have never been married under Cherokee law. Upon consulting printed records in possession of the Cherokee Commissioners, his wife's name does not appear as being admitted with other members of his family. She is identified on the roll of '96. He is identified upon said roll. His six children, enumerated in the testimony, are also identified on the rolls of '96. He claims that the first three as given in the testimony were admitted with himself, and the last three in the same order having been born in the Cherokee Nation since his admission. His continued residence in the Cherokee Nation ever since his admission is established and the fact of his marriage to his wife during all the time claimed by him, and covered by the birth of his children, is shown in a satisfactory manner. It seems very doubtful at present whether his wife is entitled to enrollment, and there appears to be no doubt as to his right to enrollment or as to the right of all ~~xxxx~~ six of his children as enumerated in the testimony, whenever he shall produce a duly authenticated copy of the decree of admission before referred to. For the present the application of all of them will be held in abeyance awaiting a copy of that decree, and will be placed upon a white card. And the admission of his wife, so far as present evidence indicates, will depend upon her being included in that certificate or decree of admission.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly received the testimony and proceedings in the above named case, and that the foregoing is a full and complete transcript of his stenographic notes thereof.

Brown

Sworn to and subscribed before me this 1st day of September, 1900, at Muskogee, I.T.

Commissioner.

1927

RECEIVED BY THE BUREAU OF THE INDIAN AFFAIRS, WASHINGTON, D. C. OCTOBER 10, 1900

RECEIVED BY THE BUREAU OF THE INDIAN AFFAIRS, WASHINGTON, D. C. OCTOBER 10, 1900

RECEIVED BY THE BUREAU OF THE INDIAN AFFAIRS, WASHINGTON, D. C. OCTOBER 10, 1900

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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Cherokee D 127

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of W. R. W. C. Keys, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation:

Appearances:

Applicant represented by J. W. Breedlove, Muskogee, I. T.
Cherokee Nation by W. W. Hastings, attorney.

The Commission: Is there any statement Mr. Breedlove that you desire to make relative to this application?

Mr. Breedlove: There is no statement. In case any question of law comes up I would like to be allowed ten days within which to file a short brief of authorities, etc., to be submitted.

The Commission: The attorney for the applicant will be granted ten days within which to file brief, one copy for the Commission, and one copy with the representatives of the Cherokee Nation.

You submit this case to the Commission for final consideration?

Mr. Breedlove: I do.

The representative of the Cherokee Nation also submits the case on behalf of the Cherokee Nation, and the same is closed.

E. C. Bagwell, on oath states, that as stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

E. C. Bagwell
Subscribed and sworn to before me this 20 day of February, 1902

[Signature]
Commissioner.

LEWIS & CLARK EXPLORATION
COMMISSION TO THE PACIFIC OCEAN

27th FEB 1806

ACTING CHAIRMAN

8127

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of W. R. W. C. Keys for the enrollment of himself as a citizen by blood; for the enrollment of his wife, Mary E. Keys, as a citizen by intermarriage, and for the enrollment of his children--R. W. M. Keys, M. T. W. Keys, G. A. L. Keys, L. D. Keys, W. C. Keys and O. G. Keys--as citizens by blood of the Cherokee Nation.

Supplemental to #9454.

W. R. W. C. Keys, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. W. R. W. C. Keys.
Q. How old are you, Mr. Keys? A. 56 years old.
Q. What is your post office address? A. Muldrow, Indian Territory.
Q. Are you a citizen by blood of the Cherokee Nation?
A. By blood of the Cherokee Nation.
Q. What is your wife's name? A. Mary E. Keys.
Q. Is she a white woman? A. White woman.
Q. She is an applicant for enrollment as a citizen by intermarriage? A. For citizenship.
Q. By intermarriage? A. Yes, sir.
Q. When were you married to Mary E.? A. I was married in '82.
Q. Were you ever married before you married Mary? A. No, sir.
Q. She is your first wife? A. Yes, sir.
Q. Was she ever married before she married you? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. Have you and your wife lived together ever since you were married down to the present time? A. Ever since '82 down to the present time.
Q. Were you ever separated? A. No, sir.
Q. Were you living together on the first of September, 1902?
A. Yes, sir.
Q. How long have you been living in the Cherokee Nation?
A. I have been there for the last 17 years.
Q. Has your wife been living here for the last 17 years?
A. Yes, sir.
Q. Are these children, R. W. M., M. T. W., G. A. L., L. D., W. C. and O. G., all your children? A. All my family by my wife.
Q. Are they all living? A. Yes, sir?
Q. Have they lived in the Cherokee Nation all their lives?
A. Always resided here.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of February, 1903.

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of W. R. W. C. Keys for the enrollment of himself and his minor children R. W. M., M. T. W., G. A. L., L. D., W. G., and O. G. Keys as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Mary E. Keys as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on August 15, 1900, the applicant, W.R.W.C. Keys appeared before the Commission at Muldrow, Indian Territory, and then and there made personal application for the enrollment of himself and his minor children R.W.M., M.T.W., G.A.L., L.D., W.G., and O.G. Keys as citizens by blood of the Cherokee Nation and for the enrollment of his wife Mary E. Keys as a citizen by intermarriage of the Cherokee Nation.

On February 18, 1902, applicants, by their attorney appeared before the Commission at its office in Muskogee, Indian Territory, and further proceedings were then had, the applicants being allowed ten days in which to file a brief. The same has not been filed up to this date.

It appears from the citizenship records of the Cherokee Nation, in possession of this Commission, that W.R.W.C. Keys and his three minor children R.W.M., M.T.W., and G.A.L. Keys were admitted to citizenship in the Cherokee Nation on April 1, 1887 by a Cherokee Commission on Citizenship. The principal applicant was lawfully married to his wife Mary E. Keys on May 18, 1882. She appears to be a white woman and her status is defined by the decisions of the Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa A. Dawson against W.A. Dawson, which held that a white woman married to a Cherokee Indian at the time of his admission to citizenship in the Cherokee Nation, acquires as his wife, the status

-2-

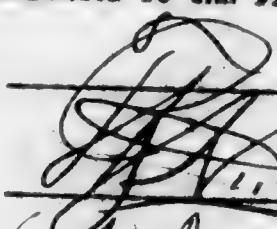
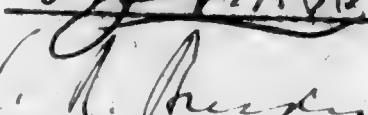
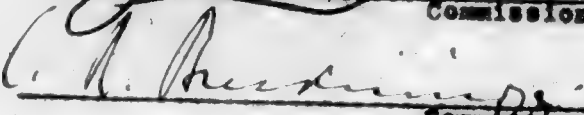
conferred upon her husband.

Since the date of the applicant's admission to citizenship three other children have been born to him by his said wife Mary E., namely: L.D., W.S., and O.G. Keys. All the persons embraced in this application are identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21 of the Act of Congress June 20, 1896 (30 Stats., 496).

It is therefore the opinion of this Commission that W.R.W.C. Keys and his minor children R.W.M. Keys, M.T.W. Keys, G.A.L. Keys, L.D. Keys, W.S. Keys, and O.G. Keys are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Mary E. Keys is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

38

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. 127.

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

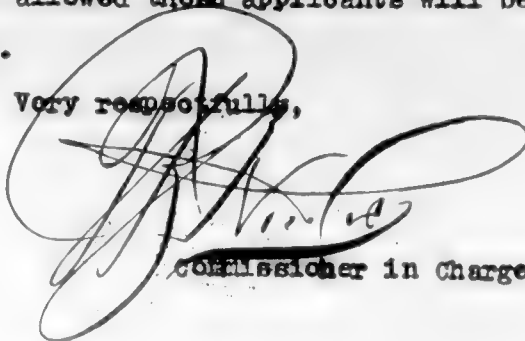
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of W. R. W. O. Keys for the enrollment of himself, his wife, Mary E. Keys, and his minor children, R. W. M., M. T. W., G. A. L., L. D., W. O., and O. G. Keys, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. D-127.

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COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 127.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date May 20, 1902, granting the application of W. R. W. C. Keys for the enrollment of himself and his children, R. W. M. Keys, M. T. W. Keys, G. A. L. Keys, L. D. Keys, W. C. Keys and O. G. Keys, as citizens by blood of the Cherokee Nation, and for the enrollment of Mary E. Keys as a citizen by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 30, 1902.

Very respectfully,



Acting Chairman.

49 R. 119 E. Kays et al

CHEROKEE CITIZENS.

§ Order closing testimony, 2/18/02

Decision

Aug 25, 1902. Transferred
to Cherokee No 94

Cher D128

Cher D128

[Handwritten signature and scribbles]

9128

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 12 1900

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Special Agent

Special Agent

...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 14, 1900.

In the matter of the application of Nancy J. Eaton for enrollment of herself, one child, and ward, as citizens of the Cherokee Nation, said Eaton being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Nancy J. Eaton.
Q How old are you? A About 46.
Q What is your postoffice? A Muldrow.
Q In what district do you live? A Sequoyah.
Q Who is it that you want to have enrolled at this time? A Myself, one child, and a ward.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q Are you on the roll of '80? A Yes, I guess so.
Q How long have you lived in the Cherokee Nation? A Born and raised here? A How long have you lived in Sequoyah district? A About 30 years I guess.
Q What was your name in '80? A Mitchell.
Q When did you marry your husband Eaton? A 18 years ago.
Q What was your name before Eaton? A Mitchell.
Q That was your maiden name? A Yes.
Q What was your husband's full name? A William L. Eaton.
Q He is dead? A Yes.
Q What is the name of this child for whom you want to apply? A Charley Russell.
Q What is his age? A A 12 years old.
Q He is a ward of yours is he? A Yes, ever since a year and a half old.
Q His mother is dead? A Yes.
Q His father dead? A No sir.
Q What was his mother's name? A Em Russell; her maiden name was Sigmore.
Q What was the father's name? A Walker Russell.
Q He is living is he? A Yes.
Q He is a native Cherokee? A Yes.
Q He has lived in the Cherokee Nation all his life? A Yes, I guess he has.
Q He is on the roll of '80? A I think so.
Q Do you know when he married his wife, Em? A It has been about 24 years.
Q How long since this child's mother died? A About 11 years.
Q Did you know this married couple a long time? A Yes.
Q In what district did they live in '80? A In Illinois.
Q Did they live together as husband and wife until this ~~man~~ ~~widow~~ woman died? A Yes, except about 6 or 8 months before she died-- he left her.
Q How did you get in possession of this child. A He came and wanted me to take him-- wanted to give him to me.
Q Was that after the mother died? A Yes.
Q You never had letters of guardianship? A No sir.
Q Did the father draw this child's strip-money in '94? A Yes.
Q Did he give him any of it? A No sir, not a cent.
Q Does he look after the child in anyway? A No sir, just abandoned it.

Applicant on '80 roll, page 706, number 826, as Mitchell.

Walker Russell on '80 roll, page 715, number 1035;

On '96 roll, page 1095, number 1233.

Applicant on '96 roll, page 1065, number 458.

Charley Russell on '96 roll, page 1095, number 1236;

On '94 roll, page 926, number 1141.

Q Have you some neighbors here who knew you as a Mitchell and know that you married your husband, Easton? A Yes.

G. W. BALDRIDGE, being sworn, testified in this case:

Q What is your name? A G. W. Baldridge.

Q Your age? A 48.

Q Your postoffice? A Maple.

Q How long have you lived in the Cherokee nation? A ~~XXXXXX~~ Always.

Q Do you know this applicant, Mrs. Nancy J. Eaton? A Yes.

Q Did you know her before her married life? A Yes.

Q What was her name? A Nancy Mitchell.

Q Her husband is dead? A Yes.

Q What was his name? A Will Eaton.

Q How long has it been since she married Will Eaton? A Something like 17 or 18 years ago.

Q The name then of this Nancy Jane Eaton who is enrolled in '96 is the same as the Nancy Jane Mitchell who is enrolled in '80? A Yes.

Q Did you know a Cherokee name Walker Russell? A Yes.

Q Did you know anything about a child of his named Charley Russell-- he seems to be a ward of Mrs. Eaton's? A Not until after she got him.

Q The mother of that child was said to be a woman named Sizemore. Do you know anything about his relations with this woman, Sizemore? A I don't know anything about that.

Q Did you ever know that man Russell's wife, whose name was Margaret? A No sir.

Q You don't know anything about his being married in '80 to a woman named Margaret? A No sir.

APPLICANT'S TESTIMONY CONT'D:

Q Now, Mrs. Eaton, who was that Margaret Russell who seems to be on the roll of '80 as the wife at that time of Walker Russell, the father of this child? A He told that woman from her father in the upper part of the Nation in Canadian district and brought her down here-- I don't know her name at all.

Q You knew Walker Russell along back in '80 did you? A Yes.

Q How long did he live with that woman Margaret? A About 2 or 3 years.

Q After 8'o? A Yes.

Q Did she die? A No sir, they separated.

Q Did he hold Margaret out as his wife at the time of '80? A I think so, yes.

Q Do you know whether she is still living? A I don't know I haven't seen her for several years.

Q How long after he separated from that woman Margaret was it before he began to live with this woman, Em Sizemore? A About a year, I think.

Q And how long did they live together as husband and wife? A They lived together 4 or 5 years as well as I can remember.

Q Do you know that this child, Charley Russell, was born to them while they were living together as husband and wife? A Yes.

Q Did he hold his woman, Em Sizemore, out to the world as his wife? A Yes.

Q And lived with her as such up to some six months before her death? A Yes, 6 or 8 months. The child was a year and a half old when I took him, and my sister here, she is the only witness living that was there when he came and wanted me to take the child.

Q You say the child was about a year and a half old when you took him? A Yes.

Q The mother was then dead? A Yes.

Q But they had lived together as husband and wife several years before her death? A Yes. She has three children, two older than this one I have.

Q What's become of them? A One is dead and the other is with him.

Q Was this the youngest child? A yes.

By W. T. Hutchins, Cherokee Attorney:

Q He never got any divorce from his wife, Margaret? A No sir, they never were legally married as I know of.

Q He held her out in the neighborhood as his wife? A Yes.

Q And had a child and the community recognized it as their child, born to himself and wife? A Yes.

WALKER RUSSELL, being sworn, testified:

By the Commission:

Q What is your name? A Walker Russell.

Q Your age? A About 48.

Q Your postoffice? A Mildrow.

Q In what district do you live? A Sequoyah.

Q This woman here, Nancy J. Eaton, says she has charge of a child, 12 years old, named ~~sax~~ Charley Russell that she is raising and looking after, is that your child? A Yes.

Q She says that the mother of that child was a woman named Em Sizemore? A Yes.

Q That is true is it? A Yes.

Q How did you have several children by this woman, Sizemore? A Yes, four.

Q You lived with a woman in '80 as your wife known as Margaret Russell? A Yes, I lived with her.

Q Was she your wife? A No sir.

Q Did you give her your name? Did you have her enrolled as Margaret Russell? A Yes.

Q You had her enrolled as Margaret Russell in '80? A I reckon so.

Q You had a child name Emiline in '80? A Yes..

Q You had that enrolled as Emiline Russell? A yes.

Q And you were enrolled in '80 as Walker Russell and that woman was enrolled as Margaret Russell and the child as Emiline Russell? A yes.

Q Well now if you had her enrolled as your wife and under your name, do you say now that she had ever been your wife in fact? A She was not my wife; we were never married.

Q Did you hold her out to the community as your wife? A I reckon so.

Q She was your wife no more nor less than these facts indicate? A Yes sir.

Q How long after '80 before you and she quit living together? A I don't know exactly how long it was.

Q She you began living with this woman named Sizemore? A Yes.

Q Were you married to her? A yes.

Q And you profess now that Em Sizemore was your legal wife and that this child, Charley Russell, is your legal child by that wife? A Yes.

Q Em Sizemore is dead I believe? A Yes.

Q Or Em Russell at the time of her death when she lived with you? A yes.

By Mr. W. T. Hutchins, Cherokee Attorney.

Q Were you ever divorced from your wife, Margaret? A I was never married to her.

Q You never were divorced? A No sir.

Q You took her to your house and lived with her as your wife? A Yes.

Q All of the neighborhood recognized her as your wife and called her by your name? A Yes, I think they did.

Q And you held her out to your neighborhood as your wife didn't you? A yes.

Q Under the laws and customs of the Cherokees that constituted man and wife, did not it? A yes.

Redirect:

The applicant, Nancy J. Eaton, is duly identified on the rolls of '80 and '96. She has lived in the Cherokee nation all her life. She is identified on the roll of '80 as a Cherokee by blood. The change of name in the enrollment of '96 from the name she bore in '80 is accounted for by her marriage which is accounted for by her own and other satisfactory personal testimony, and she will be listed now for enrollment as a Cherokee by blood.

Now as for the child, Charles Russell, whom she is raising as a ward, that child is identified on the roll of '94 and on the roll of '96. His father, Walker Russell, is identified as a Native Cherokee on the roll of '80 and on the roll of '96. There is doubt as to the legality of the marriage between this child's father and his mother, whose maiden name was Em Sizemore.

The child's mother was a white woman. She is now dead. Q The father testifies that this woman was in fact his wife, and that this child was born to them while they were lawfully living together as husband and wife, and that this is his lawful child. Upon the other hand it is contended that under Cherokee law he had in point of fact contracted marriage with his former wife, Vargarott, who is enrolled in '80 as his wife, and from whom he is not shown to have obtained a divorce. For the present the application for this child will be placed upon a white card and the decision of the Commission will be suspended for further consideration of the case.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown Messinger

Subscribed and sworn to before me this 4th day of September, 1900.

[Signature]

D128

Exscribed and sworn to before me this 12th day of September, 1908.




COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
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The above and foregoing is a true and accurate transcript of his testimony and proceedings had in the above styled cause, and that Commission for the Five Civilized Tribes, he corrected and recorded the H. C. Bennett on each after that an atenoKibing to the



Cherokee D 128

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

TESTIMONY IN BEHALF OF APPLICANTS, in the matter of the application of Frank Russell and Charlie Russell, to be enrolled as citizens of the Cherokee Nation:

Appearances:

Andrew Russell, relative, representing applicants;
W. W. Hastings, attorney for the Cherokee Nation.

ANDREW RUSSELL, being duly sworn and examined, testified as follows:

- Q What is your name ? A Andrew Russell.
Q How old are you Mr. Russell ? A 58 going on 59.
Q Where do you live ? A Sequoyah District, Kans.
Q Are you acquainted with Frank and Charlie Russell who are applicants before this Commission for enrollment as citizens of the Cherokee Nation ?
A Yes sir.
Q How are you related to them ? A They are my nephews. My brother's children.
Q What is their father's name ? A Walker Russell.
Q Who was their mother ? A Louanna Sidemore.
Q Was their father a Cherokee ? A Yes sir.
Q Is he living or dead ? A He is living.
Q Are these children living with him ? A One is, and one with Nancy Eagle at Vian.
Q Was Emma Sidemore a Cherokee by blood ? A No sir, she was colored.
Q You say she was no citizen; she was a colored woman ?
A We used to call her colored, but I don't suppose she was.
Q Walker Russell married her ? A. They was always recognized to be married.
Q Who performed the ceremony ? A Some preacher but I disremember his name. He give me his name too; but I can't remember it now.
Q Were you present at the ceremony ? A No sir, I saw the certificate he had; but he lost that. After his wife died he never took care of it.
Q After Emma's death ? A Yes sir.
Q Was your brother ever married prior to his marriage to her ?
A Yes sir.
Q What was the name of his first wife ?
A Well, I say he was married. He wasn't; he had a woman living with him, but wasn't married. Her name was Maggie.
Q What was the full name of his first wife ?
A I don't remember what it was, except Maggie. She was a white woman.
Q Do you know of your own knowledge that they were never legally married ? A They were never married.
Q How long did they live together as husband and wife ?
A Three years I reckon.
Q Did he have any children by her ?
A Yes sir, a girl, and it died.
Q Did they separate ? A Yes sir.
Q Is she living now ? A No sir she has been dead about 6 years.
Q Then she was living when he was married to Emma Russell ?
A Yes sir. They never was married though.

Q Did he ever institute suit for divorce in any of the courts ?
 A No sir.
 Q Did Walker Russell hold out his x first wife in the community as his wife ? Was she recognized as his wife ?
 A No sir; just stayed around there.
 Q Did they actually live together in the same house ?
 A Yes sir.
 Q For as long a period as three years ? A Yes sir. After they separated she married Ed Lunsford.
 Q Was that prior to the marriage of your brother to his present wife ? A Before.
 Q This woman Maggie, then, married before he married Emma ?
 A Yes sir.

Examined by Mr. Hastings, attorney for the Cherokee Nation:

Q You say they lived together as husband and wife for three or four years ? A Yes sir.
 Q In the same house ? A Yes sir.
 Q You know he lived with her ? A Oh yes.
 Q They had a child ? A Yes sir.
 Q He recognized it as his child ? A Yes sir, but it died.
 Q Then he left her, and you say he was married to this woman Emma ?
 A Yes sir.
 Q Were you present when they were married ? A No sir, but I saw the certificate.
 Q After his wife died where did he live ?
 A He lived close to Vian with his three children.
 Q What three ? A One named Robert, Frank and Charlie. Charlie is the youngest.
 Q These are two of them ? A Yes sir, Robert is dead.
 Q Who married them ? A I don't remember.
 Q You remember what year ? A In 1878 or somewhere along there.
 Q That won't do, that would be twenty odd years ago.
 A I don't remember. It has been 16 or 18 years ago.
 Q About 1885 or 1886 then ? A Somewhere along there.
 Q What do you say is the status of the mother of these children; this Emma ? A They claim she is colored. I don't know. She was a claimant before the Watts Association.
 Q When did she die ? A She has been dead about 12 years. I wasn't present when they were married, but I saw the certificate.
 Q Did he live with her until her death ? A Yes sir.
 Q Where did she die ? A Two or three miles from Vian.
 Q She was recognized as a mulatto wasn't she ? A Yes sir.

The Commission: Is there any other statement you desire to make relative to this case ?

A No sir, none at all.
 Q Are these children in the custody of their father ? A Yes sir.
 Q Why didn't he appear here to-day ?
 A He has been sick; taken consumption, and is not able to go anywhere.
 Q Did he authorize you to come before the Commission and make this statement ? A Yes sir, said he couldn't come, and if it was satisfactory with the Commission, to make this statement.
 Q You are ready then, in behalf of these children, to submit this case to the Commission for final decision ?
 A Yes sir, that's what he told me to do .

The representative of the Cherokee Nation also submits the case; and the same is closed.

E. U. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above styled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

E. U. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

[Signature]

Commissioner.

ad
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charley Russell, et. al. as citizens by blood of the Cherokee Nation, consolidating the applications of,

Charley Russell, Cherokee B 128
Frank Russell, " D-129

D E C I S I O N .

--oOo--

The record in these cases shows that on August 14, 1900, Nancy J. Eaton appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of herself and her ward, Charley Russell, as citizens by blood of the Cherokee Nation. Nancy J. Eaton has been differently classified, and is not embraced in this decision. On August 15, 1900, Walker Russell appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment, among others, of his minor child, Frank Russell, as a citizen by blood of the Cherokee Nation. The other parties to this application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on February 18, 1902.

The evidence in these cases shows that Charley Russell and Frank Russell are the issue of a marriage between Walker Russell, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880, and one Emma Sizemore, which marriage appears to have taken place about 1863. Emma Russell, the mother of these children, died about 1890. Charley and Frank Russell are both identified on the strip payment roll of 1894 and the Cherokee Census roll of 1896.

There is some evidence that the said Walker Russell, the father of these children, had a former wife living at the time of his marriage to Emma Sizemore. Assuming this to be the fact, Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings provided, that the issue from such unlawful marriage shall nevertheless be legitimate;"

The evidence further shows that Charley Russell has lived in the Cherokee Nation since his birth, and that Frank Russell, at the time of the application for his enrollment was living with his father, who has been a resident of the Cherokee Nation all his life. The residence of said Frank Russell is therefore considered to be that of his father.

It is, therefore, the opinion of this Commission that Charley Russell and Frank Russell should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stat., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED),

Tamr Dixby.

Acting Chairman.



Commissioner.

C. R. Buckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this OCT 27 1902

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 728.

Muskogee, I. T., March 6, 1902.

A. D. Collins, Notary Public,

Inola, I. T.

Dear Sir:

I am in receipt of your letter relative to the service on Belle T. Quinton. When there is only one Notary Public in a town the way to do is to get someone else to summons the party or serve the notice, and then swear to it before that Notary Public, as no one expects a Notary to swear himself. If you had handed this notice to some person there and had him serve it and then swear to it before you it would have been all right; and I therefore send you a new notice and ask you to fix it that way, and return to me with your bill for the entire work, and I will remit the amount. Please get this back so we yet can get it here by the 8th of March.

Yours truly,

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. CRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-128

Cherokee D-129

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Nancy J. Eaton for the enrollment of her ward, Charley Russell, as a citizen by blood, and the application of Walker Russell for the enrollment of his minor child, Frank Russell, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

C. R. Creckinridge

Acting ~~Chairman~~ ^{Charge}
Commissioner

Enclosure C. No. 115

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 128

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated November 20, 1902, rejecting the application of William P.
Sullivan for the enrollment of his wife, Dora Sullivan, as a citizen
by intermarriage of the Cherokee Nation, was affirmed by the Secre-
tary of the Interior on December 22, 1902.

Respectfully,



Commissioner in Charge.
~~Acting Chairman.~~

GRS

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



W. W. Hastings,

Muskogee, I. T.

812
IN THE MATTER OF THE APPLICATION OF

Charles Russell

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 14, 1900

B. Memo of application - 15 1900

C. Notice of final consideration

D. Supplemental testimony and order closing
testimony Feb. 18, 1902

*See back 1431,
1430-1428*

Cher D129

Cher D129

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 18, 1900.

In the matter of the applications of Walker Russell for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Brookbridge he testifies as follows:

- Q What is your full name? A Walker Russell.
Q What is your age? A About forty-eight.
Q What is your present office? A Muskogee.
Q In what district do you live? A Sequoyah.
Q For whom do you apply for enrollment? A For myself and family.
Q Does your family consist of your wife and some children? A Yes sir.
Q How many children? A I have four by this wife.
Q Any other children that you want to apply for? A I want to apply for one child by a former wife.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Is your present wife a Cherokee by blood? A Yes sir.
Q And you apply for her as such? A Yes sir.
Q Are you on the roll of 1890? A Yes sir.
Q What district were you in in 1890? A Sequoyah.
Q What district did you enroll in in 1890? A In Sequoyah.
Q How long have you lived in the Cherokee Nation? A All my life I reckon, only time of the War.
Q You still claimed it then as your home didn't you? A Yes sir.
Q What is the name of your present wife? A Jane.
Q How old is she? A She is somewhere about thirty-eight I guess.
Q When did you marry her? A It has been about nine years I reckon.
Q What was her name before she was married to you? A She was a Nava.
Q Was that her maiden name? A Yes sir.
Q What was her father's name? A Dan Nava.
Q What was her mother's name? A Jane.
Q Was your wife enrolled in 1890? A Yes sir.
Q How long has she lived in the Cherokee Nation? A All her life.
Q What district was she enrolled from in 1890? A Sequoyah I think.
Q As a Nava? A Yes sir.
Q In 1890 she was enrolled as a Russell? A Yes sir.
Q Have you any written testimony to show that you were married to this woman? A Yes sir.

Mary Riley being sworn and examined by Commissioner Brookbridge testifies as follows:

- Q What is your full name? A Mary Riley.
Q What is your age? A Twenty-three.
Q What is your present office? A Clerk.
Q Do you know this applicant here Walker Russell? A Yes sir.
Q How long have you known him? A Ever since he was a little boy.
Q He makes an application here for the enrollment of his wife, Jane Russell, do you know him to be married to a woman named Jane? A I guess they are married, but I never heard them married.
Q Do they live together as husband and wife? A Yes sir.
Q About how long have they been living together as husband and wife? A Twelve years I guess it is.
Q Have you known them ever since they began living together as husband and wife? A Yes sir, I raised her.

Q Did they have any regular marriage ceremony? A I couldn't tell you that, they went of f from my house and married.
Q You remember the time do you? A Yes sir.
Q And you know that they went off to get married? A Yes sir.
Q Do you know they have been living together ever since the husband and wife? A Yes sir.

Applicant re-called, and further examined:

Q Give me the names and ages of the children of your present wife?
A Pollie, eight Carrie, stay Mamie, three; Walker Jr., eighteen months old.

Q Give me the name of a child by a former wife? A Frank, fifteen years old.

Q What was the name of that child's mother? A Mamie.

Q What maiden name before she was a Russell? A She was a Sizemore.

Q Was she a white woman or an Indian? A She was a plainant.

Q Do you mean to say that she was a white woman or an Indian?

A You might call her white then.

Q When were you married to this woman, Emma Sizemore? A I disremember now.

Q Along sometime after eighty, she wasn't enrolled as your wife in 1880 was she? A No, I don't think she was; No I reckon not.

Q What was the name of the woman who was enrolled as your wife in 1880, wasn't her name Margaret? A Maggie.

Q That's a different woman from this one isn't it? A That's a different woman.

Q And this woman wasn't enrolled as your wife in 1880, you married her after 1880 didn't you? A I reckon before I reckon; I disremember now; I can't recollect.

Q Was Emma Russell, a child of yours, four months old in 1880?

A Yes sir.

Q Was she a child of that woman Margaret who is enrolled there with your name? A Yes sir. She is a child of Maggie.

Q Is that Maggie or Margaret that woman whom you had enrolled then and there as your wife? A Yes sir, the one that's got the child four months old, Maggie.

Com'r Breckinridge: The roll of 1880 shows that he wasn't married to this woman Emma Sizemore at that time.

Q How long after that before you began living with this woman Emma Sizemore? A I forget now.

Q It was before this child Frank was born wasn't it? A Oh yes.

Q This Frank Russell is your child by that woman Emma Sizemore?

A Yes sir, that's right.

Q Did you begin living with this woman, Emma Sizemore, as your wife along about 1883 or 1884? A I reckon so.

1880 roll examined for applicant; page 715 Emma Russell, Sequoyah District.

1880 roll, for wife, pages none not found.

1884 roll, for wife, page 988 #1133 Jane Russell, Sequoyah District.

1884 roll, for child, page 983 #1140 Frank Russell, Sequoyah District.

1886 roll, applicant, page 1096 #1213 Walker Russell, Sequoyah.

1886 roll, page 1095 #1234 Jane Russell, Sequoyah District.

1886 roll, page 1093 #1237 Pollie Russell, Sequoyah District.

1886 roll, page 1095 #1238 Carrie Russell, Sequoyah District.

1886 roll, page 1095 #1235 Frank Russell, Sequoyah District.

Mary Riley being sworn and examined by Commissioner Breckinridge testifies as follows:

Q This woman Jane had brothers enrolled in 1880 didn't she?

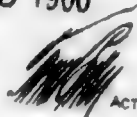
A Yes sir.

Q What were the names of some of her brothers? A Joe Hays.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN.



Handwritten vertical text, possibly a date or reference number

Walker Russell et al.

1880 roll examined for name by them, page 785 #1477 Joseph Ware, Cherokee District.

Q Any other brother or sisters? A There has not one more brother, Watt.

1880 roll, page 862 #1482 John Walter Ware, Cherokee District.

Q This John and Watt Ware are identified on the roll of 1880, you say they are brothers of Jane Ware, the present claimant in Russell's case? A Yes, sir.

Q And you also know they have no other brothers? A Yes, sir.

Q And you know concerning them they are her brothers? A Yes, sir, brother John raised three boys.

Q Is there any reason you think they are not her brothers? A No, sir, they are not her brothers.

Q You think it was a mistake? A Yes, sir.

Q You know her as a Cherokee woman? A Yes, sir.

Q Her mother was a Cherokee woman? A Yes, sir.

Q And that Cherokee blood is her mother's? A I couldn't tell you.

Q And you know her as a native Cherokee? A Yes, sir.

Q And she died about 1880? A Yes, sir.

Q And her father died about 1880? A Yes, sir.

Applicant re-called and further examined:

Attorney's questions:

Q In 1880 you enrolled a woman named Maggie or Margaret, with her child, living with yourself, as your wife did you not? A Yes.

Q And previously taken that woman to your house to live with you, as your wife had you not? A Yes according to Cherokee law.

Q And how long was she not? A Yes, sir.

Q You introduced her to your neighbors and presented her in public as your wife did you not? A I guess I did.

Q They all recognized her and visited with her, treated her as your wife did they not? A I guess they did.

Q And under the laws and customs of the Cherokee Nation at that time she was your wife, was it not? A Yes, sir.

Q She is still living isn't she? A I don't know whether she is or not.

Q She was living at the time you claim to be married to her, is that correct? A I can't say whether she was or not.

Q Don't you know she was living for years afterwards? A I don't recollect, how, whether she was or not.

Q You never heard of her death did you not? A No, sir, she moved away some place.

Q You never got any divorce from her? A No, sir, I didn't have to get one.

Q Immediately after leaving her you took up with the woman who didn't go? A I don't know.

Q You married her immediately after leaving the first? A Yes, sir.

Concluding remarks: The applicant, Walker Russell, is identified on the roll of 1880 as a Cherokee by blood; he is also identified on the roll of 1880, and he has lived in the Cherokee Nation all his life; he will now be listed or enrolled as a Cherokee by blood; his wife, or the woman he claims as his wife at this time, Jane Russell, is only identified on the rolls of 1884 and 1885 under his name; his claim to this woman, or what he claims as his marriage, is established by satisfactory personal testimony to have taken place some nine years ago; she was in fact identified on the roll of 1880; her father and mother were both dead at that time, but her brothers are identified on that roll, and it is shown that this woman has lived all her life in the Cherokee Nation; the testimony of the woman who was married to her in childhood shows that she could only have been omitted from the roll of 1880 by some form of oversight; it is not doubted that she is a Cherokee by blood, and she will be listed for enrollment at this time as a Cherokee by blood. Of her children by the applicant, the first two, Polly and Carrie are identified on the roll of 1880, and they will be listed now for

CD/29

Subscribed and sworn to before me this 12th day of February, 1902.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

MAR 12 1902

COMMISSIONER

Steno-graphic notes received.
The above and following in a true and accurate stenographic of his
speeches and proceedings had in the year 1901, of Senate and the
Commission to the Five Civilized Tribes, is correctly recorded the
N. C. Smith on each speaker, that as stenographer to the

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

TESTIMONY IN BEHALF OF APPLICANTS, in the matter of the application of Frank Russell and Charlie Russell, to be enrolled as citizens of the Cherokee Nation:

Appearances:

Andrew Russell, relative, representing applicants;
W. W. Hastings, attorney for the Cherokee Nation.

ANDREW RUSSELL, being duly sworn and examined, testified as follows:

- Q What is your name ? A Andrew Russell.
- Q How old are you Mr. Russell ? A 58 going on 29.
- Q Where do you live ? Sequoyah District, Kans.
- Q Are you acquainted with Frank and Charlie Russell who are applicants before this Commission for enrollment as citizens of the Cherokee Nation ?
- A Yes sir.
- Q How are you related to them ? A They are my nephews. My brother's children.
- Q What is their father's name ? A Walker Russell.
- Q Who was their mother ? A Louemina Sidemore.
- Q Was their father a Cherokee ? A Yes sir.
- Q Is he living or dead ? A He is living.
- Q Are these children living with him ? A One is and one with Nancy Eagle at Vian.
- Q Was Emma Sidemore a Cherokee by blood ? A No sir she was colored.
- Q You say she was no citizen; she was a colored woman ?
- A We used to call her colored, but I don't suppose she was.
- Q Walker Russell married her ? A They was always recognized to be married.
- Q Who performed the ceremony ? A Some preacher but I disremember his name. He give me his name too; but I can't remember it now.
- Q Were you present at the ceremony ? A No sir, I saw the certificate he had; but he lost that. After his wife died he never took care of it.
- Q After Emma's death ? A Yes sir.
- Q Was your brother ever married prior to his marriage to her ?
- A Yes sir.
- Q What was the name of his first wife ?
- A Well, I say he was married. He wasn't. He had a woman living with him but wasn't married. Her name was Maggie.
- Q What was the full name of his first wife ?
- A I don't remember what it was, except Maggie. She was a white woman.
- Q You know of your own knowledge that they were never legally married ? A They were never married.
- Q How long did they live together as husband and wife ?
- A Three years I reckon.
- Q Did he have any children by her ?
- A Yes sir, a girl and it died.
- Q Did they separate ? A Yes sir.
- Q Is she living now ? A No sir she has been dead about 6 years.
- Q Then she was living when he was married to Emma Russell ?
- A Yes sir. They never was married though.
- Q Did he ever institute suit for divorce in any of the courts ?
- A No sir.

Q Did Walker Russell hold out his first wife in the community as his wife? Was she recognized as his wife?
 A No sir; just stayed around there.
 Q Did they actually live together in the same house? A Yes sir.
 Q For as long a period as three years? A Yes sir. After they separated she married Ed Lunsford.
 Q Was that prior to the marriage of your brother to his present wife? A Before.
 Q This woman Maggie, then, married before he married Emma?
 A Yes sir.

Examined by Mr. Hastings, attorney for the Cherokee Nation:

Q You say they lived together as husband and wife for three or four years? A Yes sir.
 Q In the same house? A Yes sir.
 Q You know he lived with her? A Oh yes.
 Q They had a child? A Yes sir.
 Q He recognized it as his child? A Yes sir, but it died.
 Q Then he left her, and you say he was married to this woman Emma?
 A Yes sir.
 Q Were you present when they were married? A No sir, but I saw the certificate.
 Q After his wife died where did he live?
 A He lived close to Vian with his three children.
 Q What three? A One named Robert, Frank and Charlie. Charlie is the youngest.
 Q These are two of them? A Yes sir, Robert is dead.
 Q Who married them? A I don't remember.
 Q You remember what year? A In 1878 or somewhere along there.
 Q That won't do, that would be twenty odd years ago?
 A I don't remember; it has been 16 or 18 years ago.
 Q About 1885 or 1886 then? A Somewhere along there.
 Q What do you say is the status of the mother of these children; this Emma? A They claim she is colored. I don't know. She was a claimant before the Watts Association.
 Q When did she die? A She has been dead about 12 years.
 I wasn't present when they were married, but I saw the certificate.
 Q Did he live with her until her death? A Yes sir.
 Q Where did she die? A Two or three miles from Vian.
 Q She was recognized as a mulatto wasn't she? A Yes sir.

The Commission: Is there any other statement you desire to make relative to this case?

A No sir, none at all.
 Q Are these children in the custody of their father? A Yes sir.
 Q Why didn't he appear here to-day?
 A He has been sick; taken consumption, and is not able to go anywhere.
 Q Did he authorize you to come before the Commission and make this statement? A Yes sir, he said he couldn't come, and if it was satisfactory with the Commission, to make this statement.
 Q You are ready then, in behalf of these children, to submit this case to the Commission for final decision?
 A Yes sir, that's what he told me to do.

The representative of the Cherokee Nation also submits the case; and the same is closed.

E. C. Bagwell, on oath states, that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above styled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof,

E. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

[Signature]

Commissioner.

129

Frank Russell

CHEROKEE CITIZENS.

A. Original Testimony - August 15, 1900

B. Mem^o of Application - " 15. 1900

Notice of final consideration

D Supplemental testimony and order
closing testimony 2/8/02

~~Mr. Bennett~~

15

~~Harold~~

See Broken Jacket 1431,

~~1438-2~~

Cher D 130

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 23 1900


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HINDROW, I. T., AUGUST 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles M. Humphrey, for his wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Charles M. Humphrey.
Q What is your age? A Twenty seven.
Q What is your Postoffice? A Maples.
Q Are you a recognized citizen of the Cherokee Nation?
A No sir; just my wife and children.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Lived here about six years.
Q Where did you live before that? A In the State.
Q What State? A Crawford County, Arkansas.
Q For when do you apply for enrollment? A My wife and two children.
Q What is your wife's name? A Cora Humphrey.
Q How old is she? A Eighteen.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q What is her father's name? A Ross; Riley Ross.
Q Is he living? A Yes sir.
Q What is her mother's name? A Mary Ross.
Q Is she living? A Yes sir.
Q Both Cherokee citizens by blood? A No sir; just his wife; my wife's mother.
Q When were you married? A March, 1898.
Q Have you any certificate of marriage? A Yes sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What is the name of the oldest one; under twenty one years of age? A William Lafayette Humphrey.
Q How old? A Twenty months old.
Q What is the name of the next one? A Mattie Catherine Humphrey.
Q How old? A Six months.
Q Have you proof of the birth of these children? A Yes sir.
Q What was your wife's mother's name in 1890? A She was a Ross.
Q Is your wife here? A Yes sir.
Q Is your wife's mother here? A Yes sir.
Q Where is she? A Right down there (indicating the crowd present)
Q Please bring her up here?

(Applicant's wife identified on the roll of 1895, Page 1094, 11009, Cora Ross, Sequoyah District)

C. M. Humphrey applies for the enrollment of his wife, Cora Humphrey and two children: The name of his wife does not appear on the rolls of 1880, she having been born since the rolls of 1880 were compiled. He avers that the name of his wife's mother is Mary Collins, or Ross: Upon an examination of the rolls of 1880, the name of applicant's wife's mother is not found, neither is the name of his wife's father found on the roll of 1880, but the name of his wife, Cora Humphrey, nee Ross, is found on the census roll of 1896, and the pop roll of 1894: (1894 Roll, Page 989, 11160, Cora M. Ross, Sequoyah District) No satisfactory evidence being given as to her citizenship, and her father and mother not appearing on the authenticated roll of 1880, final judgment as to the enrollment of Cora Humphrey and her children, as applied for by her husband, will be suspended, and their names will be placed on a doubtful card.

R. B. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing

-2-

case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

P. A. Craven

Subscribed and sworn to before
me this 20th day of August, 1900.

[Signature]

COMMISSIONER.

D130

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 11 1902

[Handwritten signature]

ACT. CH. CHAS.

CONFIDENTIAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Cera Humphry for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she could on said date appear before the Commission and introduce any further testimony affecting her case. Receipt has been acknowledged of the Commission's letter of notification, and the applicant called three times, and failed to respond either in person or by attorney, and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. May 31st 1902.

In the matter of the application of Cora Humphrey et al for enrollment as citizens of the Cherokee nation.

Cherokee D 130.

Protest of the Cherokee nation.

The Cherokee Nation respectfully desires to protest against the enrollment of the applicants and asks that the decision of the Commission rendered May 20th 1902 be forwarded to the honorable Secretary of the Interior for Review.

None of the names of the applicants appear upon the authenticated roll of 1880 and the Cherokee Nation contends that this roll was the only roll authenticated by Section twenty-one of the act of Congress commonly known as the Curtis Bill and that in view of the fact that none of the names of the applicants appear upon said roll it is necessary for the applicant to show that she was admitted to citizenship in the Cherokee nation by the National Council or some court ~~having~~ or Commission having jurisdiction. None of the above applicants were so admitted. The Cherokee Nation contends that the Commission had authority to hear applicants for admission to citizenship in the Cherokee Nation under the act of June 10, 1896 and that it is now engaged in making a roll of the recognized citizens of the Cherokee Nation and that in order to determine who are recognized citizens of the Cherokee nation the only way is to first ascertain whether or not the applicants name appears upon the authenticated roll of eighteen hundred and eighty and if it does not then to ascertain whether or not the applicants had been admitted by some competent authority having jurisdiction to admit persons to citizenship in the Cherokee nation. We do not believe that Congress ever intended that the Commission should go behind the authenticated roll of eighteen hundred and eighty.. Fifty thousand persons had applied in 1896 and Congress well knew that to now open the doors for proof as to blood would make the task of the Commission an endless one; hence we contend that it was the intention of making the roll of eighteen

hundred and eighty the starting point behind which the Commission could not go and upon which the names of all applicants must appear or they must be a descendant of some person whose name appears on that roll and if not they must show that they were admitted subsequent to that time and the applicants in this case having failed to do this we contend that under the law they are not entitled to be enrolled at this time.

Respectfully submitted,

W. W. Hastings J.C.S.

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 130.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date May 20, 1902, granting the application of Cora Humphry for the enrollment of herself and her children, William L., Mattie C. and Robert L. Humphry, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 4, 1902.

Very respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Rosa Humphrey et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 15, 1900

B. Mem^o of application - " 15, 1900

C. Marriage license and certificate

D. Birth affidavit - William L. Humphrey

E. " " Mathe C. " "

F. Birth certificate - Robert L. Humphrey

Notice of final consideration

Order closing testimony, Feb. 18, 1902

Received

Aug. 25, 1902 Transferred
to Cherokee Records

Cher D131

Cher D131

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MULDROW, I. T., AUGUST 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Margaret Ainsworth and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Margaret Ainsworth.
Q What is your age? A Thirty one.
Q What is your Postoffice? A Muldrow.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What District do you live in? A Sequoyah.
Q How long have you lived in Sequoyah District? A Off and on; all of my life.
Q Off an on; how much have you lived in Sequoyah District?
A The largest portion of my life.
Q How long have you lived in Sequoyah District continuously?
Q I have been here nearly eight years.
Q Where did you live before that? A Right across the river in the Choctaw Nation.
Q How long did you live there? A Twelve or thirteen years.
Q What was your name before you were married? A Collins.
Q Margaret Collins? A Yes sir.
Q Were you ever married but the once? A No sir.
Q For whom do you apply for enrollment? A Myself and children.
Q Yourself and children? A Yes sir.
Q What is your father's name? A Miles D. Collins.
Q Was he a Cherokee citizen by blood? A No sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Malinda Wilson.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q Have you any children? A Yes sir.
Q What is the name of your oldest child? A Cornelia Ainsworth.
Q How old is Cornelia? A Twenty.
Q What is the name of the next one? A Ida Ainsworth.
Q How old? A Eighteen (18).
Q What is the name of the next one? A Thomas Ainsworth.
Q How old? A Sixteen.
Q What is the name of the next one? A Willie Ainsworth.
Q How old? A Fourteen; a girl.
Q Name of the next one? A Spencer Ainsworth.
Q How old is Spencer? A Eleven years old.
Q What is the name of the next one? A Emma.
Q How old is Emma? A Nine.
Q What is the name of the next one? A Myrtle.
Q How old? A Four.
Q What is the name of the next one? A Marie.
Q How old is Marie? A Two years.
Q What is the name of the next one? A Preston.
Q How old is Preston? A Seven months.
Q Is he the last one? A Yes sir. Catherine is dead.
Q Does your name appear on the authenticated roll of 1890?
A I applied to that rolls by my uncle.
Q When did you apply? A I was a young child.
Q You do not know whether your name is on there? A No sir.
Q Did you ever apply to the Dawes Commission in 1896? A No sir.
Q Did you apply to the Cherokee Nation/ Cherokee authorities?
Q Yes sir.
Q When? A I do not know.
Q Did the Cherokee Nation admit you? A Yes sir.
Q Have you any certificate of admission? A No sir.
(Applicant identified on the roll of 1896, Page 1080, 437, as Margaret Ainsworth) (On the roll of 1894, Page 932, 443, Margaret Ainsworth, Sequoyah District)

Q You say you applied to the Cherokee authorities; do you mean you just applied to the census takers to be enrolled; or did you apply to the Council? A It was by the Council there, but we never got a certificate.

By Applicants Attorney, W. Breedlove:

Q Did you go before the council and apply to be enrolled by the Council, or were you enrolled by the census takers? A I was enrolled here by the census takers.

By the Commission:

Q Did you go to Tahlequah and apply to the Council? A My husband applied for me; I did not go myself.

Q What did the Council do? A They did not give me any certificate; they said I was all right.

Q Were you with your husband at that time? A No sir.

Q Your husband told you that when he came back? A Yes sir.

By Mr. W. F. Hastings, Cherokee Representative:

Q Where were you born? A In the Cherokee Nation.

Q In what year? A 1859.

Q What year did you leave here? A It was about the war time.

Q You do not remember having been here? A I have been in here off and on.

Q You do not remember having been here before you first moved out; you were too small? A Yes sir.

Q You were taken out before you could remember? A Yes sir.

Q Your father and your mother separated? A Yes sir.

Q Can you remember when they separated? A I was mighty small; I do not remember.

Q Your father subsequently moved to the Choctaw Nation? A Yes sir.

Q He married there? A Yes sir.

Q A Choctaw citizen? A Yes sir.

Q And you have lived with your father in the Choctaw Nation up to the time of your marriage? A No sir; not altogether; I lived part of the time here with my aunt.

Q Who is your aunt? A Rebecca McKinley.

Q What is her Postoffice? A Muldrow.

Q How long did you live with Rebecca McKinley? A About a year.

Q When did you first go to live with her? A I was a child.

Q About how old were you? A Twelve or thirteen.

Q They had schools down here then? A Yes sir.

Q What school did you attend? John Breedlove, at Lee School-house.

Q How long did you go to school there? A About two years.

Q You went back to your father? A Most of my home at that time was with my aunt; then I went back across the river and stayed some with my father.

Q But your father stayed there? A Yes sir.

Q He provided for you? A Yes sir.

Q You were married in the Choctaw Nation? A Yes sir.

Q You were living there at the time of your marriage? A Yes sir.

Q Your husband is a white man? A Yes sir.

Q What is your oldest child's name? A Cornelia; she is twenty?

A Yes sir.

Q Where was she born? A Choctaw Nation.

Q The next to the oldest is Ida; where was she born? A She was born there.

Q And Catherine; she was born in the Choctaw Nation? A Yes sir.

Q Your next child, Thomas; where was he born? A In the Choctaw Nation.

Q Where was Willie born? A Choctaw Nation.

Q And Spencer was born? A There too.

Q Anna was born? A In the Choctaw Nation.

Q Then your children from Catherine, at twenty, down to Spencer, eleven years of age, after you were married, were born in the Choctaw Nation? A No sir.

Q Which child was the first child that you gave birth to here in the Cherokee Nation? A Mamie, I was living here when Myrtle was born. Mamie was the first child born here? A Yes sir.

Q Then your two youngest children were born here? A Yes sir.

By Applicant's Attorney, W. Breedlove:

Q You state that you are not on the 1880 roll? A Yes sir.

Q When your mother left you, what became of you then? A I was so small that I do not remember; she lived part of the time in Ft. Smith.

Q Did she take you with her? A No sir.

Q Did she take any of her children with her? A She did not.

Q What became of the children? A We were just left around until we saw our father.

Q Until you found him, where did you make your home? A Backwards and forwards between my kin folks over there; my aunt, and part of the time with my father.

Q How did you come to go ~~back~~ to the Choctaw Nation, when you did go over there? A I was taken there when I was small.

Q Did you have any one to take care of you here? A No sir.

Q You were compelled to go to the Choctaw Nation? A Yes sir.

Q When you were all minors? A Yes sir.

Q You started a few minutes ago that you went to school in the Cherokee Nation? A Yes sir.

Q Was that a Cherokee school? A Yes sir.

Q Run by Cherokee authorities? A Yes sir.

Q You were accepted there and exercised the rights of any other Cherokee child, as to school privileges? A Yes sir.

Q Have you ever left the Cherokee Nation since you became of age, or since you were from under the control of your guardian, or your father, with the intention of making your residence in the Choctaw Nation, or any other country? A No sir; I have not.

Q After you were married, you came back to the Cherokee Nation?

A Yes sir; just as soon as we could.

Q Why did you not come back to the Cherokee Nation, after you were married; after you were of age? A My husband was in the merchantile business, and had to dispose of it before coming here; I have never owned any home there, any stock, or anything else.

Q Do you know why you were not placed on the 1880 roll, authenticated roll? A No sir; I do not know why. ~~I think some reason.~~

Q Was your mother here then when the 1880 roll was taken?

A I suppose she was in the Cherokee Nation.

Q Were you living with your mother then? A No sir.

Q Were you living with your father then? A No sir; I was married just before that, but I applied through him to be enrolled.

By the Commission:

Q You were married in 1879? A Yes sir.

Q Before the 1880 roll was made? A Yes sir.

Q How old were you when you were married? A Nine-teen.

Q And you married in the Choctaw Nation? A Yes sir.

Q Then you ~~lived~~ lived there until you were six or seven ~~years~~ children were born? A Yes sir.

Q Then you came back to the Cherokee Nation? A Yes sir.

Q Was your mother readmitted? A Yes sir.

Q Why were not you readmitted? A I do not know why; I was not living with her.

By Applicant's Attorney, W. Breedlove:

Q Is it not a fact that your mother took part of the children with her to Missouri, when she went to Missouri, and when she came back from Missouri, she applied for readmission for these children she

took out of the Territory? A Yes sir.
Q And they were admitted? A Yes sir.

By the Commission:

Identification of applicant's children:

(1896 Roll, Page 1050, #38, Cornelia Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #39, Ida Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #40, Thomas Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #41, William Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #42, Anna Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #43, Martha Ainsworth, Sequoyah District)
(1896 Roll, Page 1050, #44, Spencer Ainsworth, Sequoyah District)

The name of Margaret Ainsworth, appears on the census roll of 1896; also on the pay roll of 1894, but her name does not appear on the authenticated roll of 1890. The names of her children also appear on the census roll of 1896, all of them being duly identified according to page and number of the roll as indicated in the testimony. The names of her two younger children, Mamie and Preston do not appear on the said roll, they having been born after the same was compiled. The name of the applicant, Margaret Ainsworth, not appearing on the authenticated roll of 1890, and the Commission not being at this time fully satisfied as to the rights of enrollment of said applicant and her said children, final judgment as to the application will be suspended, and their names will be placed on what is known as a doubtful card. It will be necessary for the applicant to furnish satisfactory proof of birth as to Mamie and Preston. Upon the rendering of a decision by the Commission, applicant will be notified of the same by mail, and if unfavorable or favorable, the testimony taken here, together with the judgment of the Commission will be forwarded to the Secretary of the Interior, when the final rolls of the Cherokee Nation are forwarded for his consideration and approval.

David H. Maulmer, being called and sworn, testified as follows:

Q What is your name? A David H. Maulmer.
Q What is your age? A Fifty eight.
Q What is your Postoffice? A Hanson.

By Applicant's attorney, W. Breedlove:

Q Go ahead Mr. Maulmer and tell us if you know anything of the name of this woman being placed by you, or presented to the Council with the rolls of the Cherokee Nation, and if these names were accepted.

A After I took the rolls of 1894, she came to me about enrolling; Margaret Ainsworth; and I did not know whether I had the authority to enroll, and I made a separate roll of those that appeared before me in cases of that kind, and I reported it to the National Council; the Committee on citizenship, investigating who had rights of being put on ~~that~~ that roll; and I suppose the Committee noticed it, and put her on the pay roll, as being a citizen, entitled to be put on the roll.

Q Do you know why you placed her name on the census roll on a separate list; doubtful list?

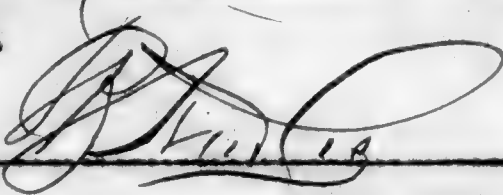
A Yes sir; on a separate list; I had her and her children's names on it, and presented it to the Council, and they appointed a Committee to investigate it, and put her names on that roll.

R. R. Grimes, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct

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transcript of his stenographic notes in said case.

Subscribed and sworn to before
me this 20th day of August, 1900.

P. P. Brown


NOTARIAL SEAL.

D 137

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 13 1901


ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

D.#131.

D.#132.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUKKOOK, I.T., FEBRUARY 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARY ROSS, D. #132, and MARGARET AINSWORTH, D. #131, as citizens
of the Cherokee Nation.

JOHN W. BREEDLOVE, being sworn and examined by Commissioner
Breakinridge, testified as follows:

Q Give me your full name? A John W. Breedlove.
Q What is your age? A 48 years old.
Q What is your post office? A Muldrow.
Q In what district do you live? A Sequoyah.
Q You want to give some evidence in the case of Mary Ross and her
children do you? A Yes, sir.

And also in the case of a sister
of her's, Margaret Ainsworth.

EXAMINATION BY MR. BREEDLOVE, of the firm of Breedlove & Bruton,
Attorneys for the applicants:

Q I will ask you if you are acquainted with Margaret Ainsworth
and Mary Ross? A Yes, sir.
Q How long have you known them? A I have known them since the
Fall of '73, or Spring of '74; they went to school to me, one of
them did.
Q Which one? A Maggie Ainsworth.
Q What was her name at that time? A Maggie Collins.
Q Did you know the other one you say at that time? A Yes, sir,
saw her frequently.
Q What was her name at that time? A Mary Collins.
Q Were you acquainted with these parties in the year 1860? A I
do not know immediately where they were in 1860; I saw them fre-
quently between '73 and '80.
Q I will ask you if you knew their mother? A Yes, sir.
Q What was her name? A Her name was Malinda Young. She was a
Wilson.
Q You say she was a Wilson before that? A Yes, sir.
Q Did you know her people, her sisters or brothers, or did she
have any? A Yes, sir; I have known several of them, Dr. Wilson
and William Wilson are brothers of her's.
Q Are they citizens of the Cherokee Nation? A Yes, sir.
Q You state that they had a brother that you designate as Doctor
Wilson, what was his name besides Doctor? A George W. Wilson; she
had a sister by the name of Beckie, she was a McKinney, she married
a McKinney.
Q I will ask you if you know anything about them being recognized
at the time you knew them and about the time of 1860 as citizens of
the Cherokee Nation and previous to that time? A Yes, sir; I have
known all of them, they voted; that is, the man folks of them voted.
Q Did you ever teach school in that district? A Yes, sir. I
taught there in '72, 3 and 4; taught three or four years there.
Q What kind of school did you teach? A Cherokee National School.
Q Did either one of these children attend that school while you
were teaching? A There were three attending.
Q Did these two applicants mentioned here, Margaret Ainsworth and
Mary Ross attend your school? A Margaret attended my school and one
named Martha; I don't remember Mary going to school, her brother
named Tom went to school.

Q Now do you know anything about the life of these two parties, or their commotion, relationship of their mother and father and the conditions of circumstances about the time they went to school there, and between that and the year 1880; just go ahead and state as briefly as possible the facts that let up to their residence in the Cherokee Nation? A Their father lived there in the Choctaw Nation, Mike Collins was his name, and the children staid part of the time over there with him in that Nation.

Q Now go back a little further than that; how ~~ex~~ did they happen to live over in the Choctaw Nation? A Their mother went away, about the time of the War, their mother seemed to have deserted them and they went backwards and forwards from the Choctaw Nation to the Cherokee Nation; they staid wherever they could stay; they depended on their connections.

Q You say their father and mother separated? A Yes, sir, in the time of the War.

Q Do you know where her mother went? A The first I knew of her after the War was she made application for admission to the Cherokee Council under the name of Malinda Young.

Q When they separated what become of the children? A They went with their father over in the Choctaw Nation. This is earlier than I knew the children; when I come here they had been living with him up to '80, when they married. Their mother came after one of them, the little one, in 1876 and she never got home with it, the least one of the children.

Q You state then that during the time you have known them that they have been recognized as citizens of the Cherokee Nation by blood?

A Yes, sir.

BY COMMISSIONER BRECKINRIDGE:

Q Malinda Young of whom you speak was the mother of Mary Ross and Margaret Ainsworth? A Yes, sir.

Q Malinda Young died before 1880 did she? A No, sir.

Q When did she die? A She has not been dead long, it has not been more than two or three years; I don't know that she is dead at all. She has lived in Coosawatomie district or Delaware up there somewhere.

Q When did she marry this man Young? A I do not know, sir.

Q Before 1880? A If she married him at all she married in the time of the War.

Q She went by the name of Malinda Young? A Yes, sir.

Q Before that she went by that name? A She was a Collins.

Q Was she a Collins when she took the name of Young? A Mary Collins, Collins was her husband.

Q She once bore the name of Wilson? A Her maiden name was Wilson.

Q Then it runs this way; she was first Wilson, then Collins, then Young, she bore these names in that order did she? A Yes, sir.

Q She was known as Malinda Young before 1880? A Yes, sir, Malinda Young in 1876 the first I know of her.

Q You knew her as Malinda Young as far back as 1876? A Yes, sir.

Q Where was she living at that time? A She was living out near where Prairie City is now.

Q How long did you say she has been dead? A I do not know how long she has been dead; she may not be dead at all.

Q Has she lived in the Cherokee Nation ever since 1876, this Malinda Young? A I do not know, sir, she lived up in the upper part of the Cherokee Nation, and she came down to my house after this girl.

Q About what time? A '76.

Q As far as you know where has Malinda Young lived since that time? A In the Cherokee Nation.

Q Now, these two daughters, Mary Ross and Margaret Ainsworth, have they lived in the Cherokee Nation ever since that time? A I don't know, sir; I know of what time they were there; I have seen them off and on for the last 20 years; they have dealt with me, the men here; I think they have staid in the Choctaw Nation part of the time.

Gen'r Breckinridge:--The list of re-admitted citizens in the possession of the Cherokee Representatives present shows that Malinda Young was re-admitted by the Commission, July 15th, 1866.

Q Do you know anything of her having been re-admitted as a Cherokee citizen? A She applied to the Cherokee Council for re-admission; I happened to be at Tahlequah when she made the application, I don't remember the year she made application for herself. Her brother was President of the Senate and one of them was in the Council.

Q You know that this Malinda Young who was admitted to be the mother of these children? I do not know the year in which she made application.

Q It was in 1866 that she was admitted? A I think it was earlier than that.

EXAMINATION BY MR. BRECKINRIDGE:

Q Do you know whether or not she at one time, Malinda Young, that you speak of, moved to Missouri and left the Territory? A I only know of the history of the family. It was stated that she turned the children over to him and went off with a Lieutenant in the Army to Fort Smith, and when I came here she made application for readmission to the Cherokee Council.

JOHN FAULKNER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A John Faulkner.

Q How old are you? A I am in my 64th year.

Q What is your post office? A Muldrow.

Q In what district do you live? A Sequoyah.

Q How long have you lived in the Cherokee Nation, Mr. Faulkner? A All my life.

EXAMINATION BY MR. BRECKINRIDGE:

Q I will ask you, Mr. Faulkner, if you are acquainted with Mary Ross and Margaret Ainsworth? A Yes, sir.

Q How long have you known them? A I have known them ever since '66 personally, I have known them longer than that.

Q What was their names before they were married? A Collins.

Q Did you know their mother? A Yes, sir.

Q What was her name? A Malinda Collins she went by when I first knew her.

Q What was her maiden name? A Wilson, Malinda Wilson.

Q Did you know their brothers and sisters, and if so, state what their names were? A William Wilson and G. W. Wilson and she had some sisters.

Q I will ask you if they were recognized as citizens of the Cherokee Nation by blood? A Yes, sir, ever since I lived here, I knew them before the War.

Q Where have these parties lived, Mary Ross and Margaret Ainsworth, since you have known them? A After they separated they staid with their father over in the Choctaw Nation some.

Q Who separated? A Their father and his wife separated about the time peace was made; I heard that she throwed them away and he k

taken them there. I saw them in '66 and that was about the time the War closed; I saw him there in '66 with these children.

Q What part of the Choctaw Nation? A I saw them there at Soulsville.

Q I will ask you if that is near the Choctaw and Cherokee line? A It is about five miles.

Q Right near the line is it not? A Yes, sir.

Q I will ask you if their people before that they moved to the Choctaw Nation, if they did not live in the Cherokee Nation right on this side? A Yes, sir, that is where I first got acquainted with the old folks.

Q Now, go ahead, Mr. Faulkner, and state if you know anything about their life from the time their father and mother separated up to the present time? A She got away from them, I heard she throwed them away, and any way he got these children and she went up to Missouri and the old man taken them and that was just after the War broke and nearly everybody stepped on the other side.

BY COMMISSIONER BRACKINRIDGE:

Q Where did they stay then? A They staid there and went to school.

Q When did they come back to the Cherokee Nation? A It has been 20 years I expect since I saw Mr. Ross here.

Q That is the husband of Mary Ross? A Yes, sir.

Q Have they been living in the Cherokee Nation ever since? A Yes, sir.

Q Had he been living here before that time, when you saw him some 20 years ago? A No, sir, he married over there.

Q He come back into the Cherokee Nation about 20 years ago? A

Yes, sir, I saw him and he had been living in the Choctaw Nation.

Q And he has been living in the Cherokee Nation ever since? A Yes, sir.

Q And so has Margaret Ainsworth? A Yes. She has been living here ever since that time.

Q She had been living before that time in the Choctaw Nation? A Yes, sir.

Q And for the past eleven years she has been living in the Cherokee Nation? A I don't recollect how long.

Q As much as five or six years? A Yes, sir, it seems to me like about eight, to the best of my knowledge.

BY MR. BRACKINRIDGE:

Q I will ask you, Mr. Faulkner, during the time you have known them if they have been generally recognized and accepted down there in Sequoyah district as recognized citizens of the Cherokee Nation by blood? A Yes, sir, their mother Malinda Young left him and she come and sold everything and he had nothing to come back to; in 1865 all the people that went South had their property confiscated and when he went away she sold the place and left him nothing to come back to, and left him with these four children to raise.

JOHN E. GUNTER, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give your full name please? A John E. Gunter.

Q How old are you? A 54.

Q What is your post office? A Muldrow, T. T.

Q Do you live in the Cherokee Nation? A Yes, sir.

Q How long have you lived there? A All my life.

EXAMINATION BY MR. W. O. BRUTON, of the firm of Breedlove & Bruton, Attorneys for Applicants:

Q What official position, if any, did you hold in the Cherokee Nation during the years 1893 and 1894? A I was a member of the Senate.

Q As a member of the Senate did the Cherokee Nation provide for a revising Committee to revise the rolls taken of the Cherokees at that time, about 1894? A Somewhere about that time.

Q State whether or not you were a member of that Committee? A Yes, sir, I was; I think that the Act that was passed provided that all the members from the district should compose a Committee to revise the rolls.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q For each district? A Yes, sir.

Examination continued by Mr. Bruton:

Q State whether or not you acted upon the applicant's, Margaret Ainsworth and Mary Ross? A Yes, sir.

Q Did your Committee at that time place the names of these applicants upon the revised roll? A Placed one of them.

Q Which one? A Margaret Ainsworth.

Q Now just state, Judge, why you placed her name upon there; whether it was personal knowledge of the applicant or evidence brought before you, or both? A Well it was from testimony and personal knowledge of the family.

Q How long have you known this applicant, Margaret Ainsworth?

A I suppose since along in '60, the balance of them I was acquainted with them since somewhere in '50, '54 or 5.

Q How were they recognized and how have they been recognized with reference to their citizenship in that district? A They have been recognized as citizens of the Nation.

Q There Nation? A Yes, sir.

Q By blood or how? A By blood.

BY COMMISSIONER BRIDGEMAN:

Q Do you know of any reason why they were left off the roll of 1890? A No, sir, I don't; I think at that time they were in the Choctaw nation, Margaret Ainsworth.

Q You think it arose from that? A Yes, sir.

Q Their mother had left them, I believe, during the War and they were brought up by their father in the Choctaw Nation? A Yes, sir. Well as I understand it they were back and forth.

Q Their family had been broken up considerably by the conduct of their mother? A Yes, sir.

The blood Pay roll of citizens of the Cherokee Nation for the year 1894, examined and the names of the applicants are found thereon as follows: Page 932, #43, as Margret Ainsworth, Sequoyah district. Page 989, #1159, as Mary Ross, Sequoyah district.

BY MR. BRUTON: We would like to introduce the fact that these applicants' aunts and uncles who have been mentioned in the testimony are on the roll of 1890; we would like an examination of the rolls and notation made of the fact that William Wilson, George W. Wilson and Rebecca McKinney, who have been shown to be their uncles and Aunt are on the roll of 1890.

Supl.--D. #131.
132.

1440 Authenticated roll of witnesses of the Cherokee Nation
examined and parties names found thereon as follows:

Page 726, #1413, Geo. W. Wilson, Sequoyah district.

Page 709, #644, Rebecca McKinney, Sequoyah district.

Gen'l Breckinridge:--Copies of this testimony will be filed
with cases D. No. 132 and D. No. 131. Both parties here interested
Margaret Ainsworth and Mary Ross, are identified on the roll of
1894. Their Uncle and Aunt, the same being a full brother and full
sister of their mother, are identified on the roll of 1890. It
is further shown in this testimony that the mother, who appears to
have abandoned her family about the time of the Civil War, was re-
admitted to citizenship at a subsequent date. The early life of
these two children having been spent in the Choctaw Nation, and it
is further shown in the testimony that at the time the roll of
1890 was made they were apparently in the Choctaw Nation living with
their father, their mother having, by her conduct in leaving her
family and leaving her children virtually destroyed their home
in the Cherokee Nation.

---no 000000---

J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 12th day of February, 1901.

Chenier

Commissioner.

D. 131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901

 ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

"D" #131.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

IN THE MATTER OF THE APPLICATION OF John G. Ainsworth for enrollment as a citizen by intermarriage of the Cherokee Nation; said Ainsworth, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q Give me your full name? A John G. Ainsworth.
Q How old are you Mr. Ainsworth? A 51.
Q What is your Postoffice? A Muldrow.
Q In what district do you live? A Sequoyah.
Q You want to apply simply for your own enrollment, do you?
A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q White man? A Yes, sir.
Q You apply as an intermarried citizen? A Yes, sir.
Q Have you your marriage license and certificate? A Yes, sir. (in
(Produces same)

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the clerk of Sequoyah District, ~~May 24th~~ 24th, 1898 (May 24th, 1898) authorizing marriage between himself and Margaret Ainsworth, his name being given in the license as Garrett Ainsworth. (Is the "G" in your name for Garrett? A Yes, sir) The certificate shows that they were united in marriage in accordance with said license on June 11th of the same year by the Reverend H. J. Shackelford, said license and certificate were duly admitted to record. They are filed herewith.

- Q You had previously been married to your wife under United States law, were you not? A Yes, sir.
Q When were you married to your wife under United States law?
A I was married in '79.
Q Were you ever married except to this wife? A Yes, sir.
Q How often were you married before you married her?
A Once before.
Q To whom were you married then? A Susan Walker.
Q Where were you married to your wife Susan?
A In the Choctaw Nation.
Q Was she dead when you married your present wife? A Yes, sir.
Q Was your present wife ever married except to you? A No, sir.
Q Have you lived with your present wife ever since you married her in 1879? A Yes, sir.
Q Your wife is the daughter of Malinda Wilson, that was, isn't she? A Yes, sir.
Q Also known as Malinda Young? A Yes, sir.
Q And Malinda Collins? A Yes, sir.
Q What was your wife's name when you married her? A Collins.

Tribal Rolls of citizens of the Cherokee Nation examined and the name of the applicant is found thereon as follows:
(1896 Census Roll, Page 1111, #6, Garret Ainsworth, Sequoyah District)

Com'r. C. R. Breckinridge: The applicant is shown to have married his wife in accordance with Cherokee law, June 11th, 1898; he states that they were married under United States law in 1879, and that they have lived together ever since their first marriage; he states that his wife was never married except to him; that he was once previously married, but his former wife ~~now~~ was dead when he married his present wife; he is identified with his wife on the roll of 1896; he will now be listed for enrollment as a Cherokee by

JOHN EL. AINSWORTH.

—2—

intermarriage., and his name will be placed upon Card "D" #11, the same being the card of his wife, Margaret Ainsworth et al, and the testimony in her case is referred to, as setting forth in full her status and his ultimate enrollment will correspond to the ultimate enrollment given to his wife.

J. O. Rosen, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosen
Subscribed and sworn to before me this 12th day of February, 1901.

C. M. McNeill

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. June 3rd 1902.

In the matter of the Application of
for enrollment as a citizen of the Cherokee Nation.

No. Cherokee D 131

Protest of the Cherokee Nation

The Cherokee Nation respectfully desires to protest against the enrollment of the applicants and asks that the decision of the Commission rendered May 20th 1902 be forwarded to the Honorable Secretary of the Interior for review.

None of the names of the applicants appear upon the authenticated roll of 1880 and the Cherokee Nation contends that this roll was the only roll authenticated by Section 21 of the act of Congress commonly known as the Curtis Bill and that in view of the fact that none of the applicants name appears upon said roll it is necessary for the applicant to show that she was readmitted to citizenship in the Cherokee Nation by the National Council or some court or Commission having jurisdiction.

None of the above applicants were so admitted. The Cherokee Nation contends that the Commission had authority to hear applicants for admission to citizenship in the Cherokee Nation under the act of June 10, 1896 and that it is now engaged in making a roll of the recognized citizens of the Cherokee Nation and that in order to determine who are recognized citizens of the Cherokee Nation the only way is to first ascertain whether or not the applicants name appears upon the authenticated roll of

1880 and if it does not then ascertain whether or not the applicant had been admitted by some competent authority having jurisdiction to admit persons to citizenship in the Cherokee Nation. We do not believe that Congress ever intended that the commission go behind the roll of 1880.

Fifty thousand persons had applied in 1896 and Congress well knew that to now open the doors for proof as to blood would make the task of the Commission an endless one. Hence we contend that it was the intention of making the 1880 roll the starting point behind which the commission could not go and upon which the names of all applicants must appear or their parents and if not they must show that they were admitted subsequent to that time and the applicants in this case having failed to do this we con-

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tomb that under the law they are not entitled to be enrolled at this time.

Respectfully submitted,

W. W. Hastings
JCS

Attorney for the Cherokee nation.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Ainsworth, et. al. for enrollment as Cherokee citizens, consolidating the applications of:

Margaret Ainsworth, et. al.....	Cherokee D 131
Mary Ann Ross, et. al.....	" D 132
Cora Humphrey, et. al.....	" D 130

D E C I S I O N.

--oOo--

The record in this case shows that on August 15, 1900, Margaret Ainsworth, Mary Ann Ross and Charles W. Humphrey appeared before the Commission at Muldrow, Indian Territory and then and there made their respective applications for the enrollment of the following named persons:

Margaret Ainsworth made application for the enrollment of herself and her minor children, Cernelia, Ida, Thomas, Willie, Spencer, Emma, Myrtle, Maude, and Preston Ainsworth as citizens by blood of the Cherokee Nation. On February 11, 1901, John G. Ainsworth appeared before the Commission at Muskogee, Indian Territory and then and there made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On February 11, and February 18, 1902, further proceedings were had in the matter of this application and applicants were allowed ten days from the last mentioned date in which to file a brief. Up to this time same has not been filed:

Mary Ann Ross made application for the enrollment of herself and her four minor children, Thomas, Mollie, Grever C. and Ollie Ross as citizens by blood of the Cherokee Nation. At Tahlequah, Indian Territory on December 6, 1900, and on February 11, 1901, at Muskogee, Indian Territory, further proceedings were had in the matter of this application:

Charles M. Humphrey made application for the enrollment of his wife Cora Humphrey and his minor children William L. and Mattie C. Humphrey as citizens by blood of the Cherokee Nation. Since the date of this application a male child, Robert L., has been born to said Cora Humphrey, as appears from a birth affidavit on file with this Commission. On August 7, 1901, application was made for the enrollment of said Robert L.. Charles M. Humphrey was notified by registered letter on February 4, 1902, that the matter of his application for the enrollment of his wife and children would be taken up for final consideration on February 18, 1902. No appearance was entered by the applicants or any of them at that time and the proof was closed.

Margaret Ainsworth and her seven oldest children are identified on the Cherokee Census roll of 1896, and it appears that in preparing such roll one of the Cherokee Census takers placed the names of Margaret Ainsworth and her children upon a separate list and reported them to the Cherokee National Council, and that a Committee appointed by the Council upon investigation placed their names on that roll. Margaret Ainsworth is also identified on the Strip payment roll of 1894. Her husband John G. Ainsworth is identified on the Cherokee Census roll of 1896, and their two younger children, Mamie and Preston are identified by birth affidavits on file with this Commission.

Mary Ann Ross and her four children are identified on the Cherokee Census roll of 1896.

Charles M. Humphrey is not an applicant for enrollment. His wife Cora Humphrey is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896. Their three children are all identified by birth affidavits on file with this Commission.

None of the applicants herein appear upon the authenticated tribal roll of 1880, but the evidence shows that Margaret Ainsworth and Mary Ann Ross are the daughters of one Malinda Wilson, and that

Cera Humphrey is the daughter of Mary Ann Ross. It appears that Malinda Wilson was living in the Cherokee Nation prior to 1859, and about that time she appears to have been married to one Miles Collins a non-citizen. Margaret Ainsworth and Mary Ann Ross are her children by such husband. About 1865 Malinda Collins abandoned her husband and children and went out of the Cherokee Nation and forfeited her citizenship therein. Margaret Ainsworth and Mary Ann Ross were then taken to the Choctaw Nation where they lived with their father for some years and seem to have been living there when the Cherokee tribal roll of 1880 was made. Shortly after they became of age they returned to the Cherokee Nation where they have lived continuously ever since, and they have always resided in the Indian Territory. It further appears from the evidence that Malinda Collins, after her separation from her husband, was married to a man by the name of Young, and that on July 13, 1868, she was re-admitted to citizenship in the Cherokee Nation, under the name of Malinda Young, which re-admission would indicate that she had possessed rights of citizenship prior to her removal from the Nation in 1865. It is also shown by the record that G.W. Wilson her full brother and Rebecca McKinney her full sister are identified on the Cherokee authenticated tribal roll of 1880 as native Cherokees.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that Margaret Ainsworth, Cornelia Ainsworth, Ida Ainsworth, Thomas Ainsworth, Willie Ainsworth, Spencer Ainsworth, Emma Ainsworth, Myrtle Ainsworth, Mamie Ainsworth, Preston Ainsworth, Mary Ann Ross, Thomas Ross, Mollie Ross, Grover C. Ross, Ollie Ross, Cera Humphrey, William L. Humphrey, Mattie C. Humphrey and Robert L. Humphrey are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that John C. Ainsworth is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee

Tribe of Indians in Indian Territory, and that the applications for
the enrollment of the above named persons, as herein classified,
should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON T. AINSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D-130, D-131,
D-132.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

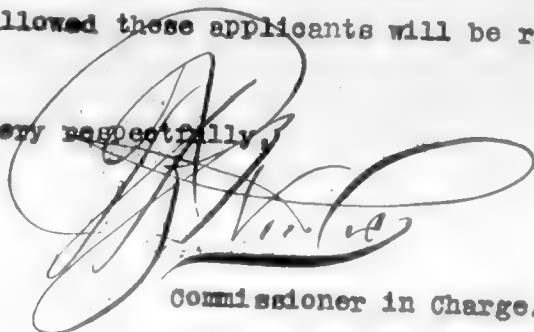
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find a copy of a decision of the Commission rendered May 20th, in the matter of the application of Cora Humphreys et al, D-130, Margaret Ainsworth et al, D-131, and Mary Ann Ross et al, D-132, for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. C-130, 131, 132.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 131.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date May 20, 1902, granting the application of Margaret Ainsworth for the enrollment of herself and her children, Cornelia, Ida, Thomas, Willie, Spencer, Emma, Myrtle, Mamie and Preston Ainsworth, as citizens by blood of the Cherokee Nation, and for the enrollment of John G. Ainsworth as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 4, 1902.

Very respectfully,



Acting Chairman.

No. D131

~~State of Iowa, County of Linn
Margaret Ann Smith et al
vs
John G. Smith et al
Court of Linn County~~

- ~~A. Original testimony August 15, 1900~~
- ~~B. Memo of application " 15, 1900~~
- ~~C. Birth affidavit - Marie Ann Smith~~
- ~~D. Birth affidavit - Preston Ann Smith~~
- ~~E. Attorney's receipt of testimony - Nov 30, 1900~~
- ~~F. Marriage License and Certificate~~
- ~~G. Memo of application Feb 11, 1901~~
- ~~H. Testimony of John G. Smith - " 11, 1901~~
- ~~I. Supplemental testimony. " 11, 1901~~
- ~~J. Receipt of testimony.~~
- ~~K. Notice of final consideration~~
- ~~L. Supplemental proceedings and order
closing testimony Feb 18, 1902~~

~~Copy of testimony
filed with~~


~~Waukegan Nation
P.O. Box 1365,
St. 132.~~

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
HELEMAN, I. T., AUGUST 16th, 1900.

IN THE MATTER OF THE APPLICATION OF Mary Ann Ross and four children for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needlen, testified as follows:

- Q What is your name? A Mary Ann Ross.
Q What is your age? A Forty four.
Q What is your Postoffice? A Maple.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A About one fourth I reckon.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah? A All my life, ever since I have been of age; I lived in the Choctaw Nation when I was a child.
Q You have lived here ever since you were of age, have you?
A Yes sir.
Q For whom do you apply? A Myself and four children.
Q What is your father's name? A Miles Collins.
Q Is he living? A Yes sir.
Q What is your mother's name? A Malinda Wilson.
Q Is she living? A Yes sir.
Q What are the names of your children? A Thomas Ross?
Q How old? A Fifteen.
Q Next one? A Hollie Ross.
Q How old is Hollie? A Fourteen.
Q The name of the next one? A Cleveland Ross.
Q How old? A Eight.
Q Next one? A Ollie Ross.
Q How old? A Four.
Q Are these children all living and living with you? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Are you on the roll of 1896? A No sir; I think not.

By the Commission:

Applicant identified on the roll of 1896, Page 1094, 1208, as Mary Ross, Sequoyah District)

Identification of applicant's children:

- (1896 Roll, Page 1094, 1210, Thomas Ross, Sequoyah District)
(1896 Roll, Page 1094, 1211, Hollie Ross, Sequoyah District)
(1896 Roll, Page 1094, 1212, Grever G. Ross, Sequoyah District)
(1896 Roll, Page 1094, 1213, Ollie Ross, Sequoyah District)

- Q How does it happen that your name is not on the roll of 1896?

A I do not know.

- Q You have been living here for the last twenty years? A Right here all my life.

Q Have you ever been admitted to citizenship by the authority of the Cherokee Nation? A No sir; I guess not.

- Q Did you apply to the Dawes Commission in 1896? A No sir.

Q Did you draw your strip money in 1894? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q How old are you? A Forty four.

Q When were you taken out of the country? A During the war.

Q About the first of the war? A I think it was the second year of the war that we went to Ft. Smith.

Q You were not old enough to remember? A I do not remember just when we left; I remember living in Ft. Smith.

Q Where did you go from Ft. Smith? A We stayed there until peace was made.

Q Then you went from there to Red River? A Yes sir.

Q How long did you live there? A Not more than a year or two; until we came back to the Choctaw Nation.

Q You came back from Red River to the Cherokee Nation? A Yes sir.
 Q Your father and mother separated? A Yes sir.
 Q Your mother went up to Missouri, and married a man named Young?
 A Yes sir.
 Q Your father finally married a Cherokee woman? ~~James~~ stayed down
 in the Cherokee Nation, a permanent resident there? A Yes sir.
 Q Your father took you and raised you here? A Yes sir.
 Q And you married a man named Ross? A Yes sir.
 Q This man Ross is not a citizen of the Cherokee Nation? A No sir.
 Q You married him in the Cherokee Nation? A Yes sir.
 Q In what year did you marry him? A I have been married twenty -
 three years.
 Q You married him in 1867? A Yes sir.
 Q What is the name of your oldest child? A Cora.
 Q How old is Cora? A Eighteen years old.
 Q Born where? A Here in this District.
 Q In Sequoyah District? A Yes sir.
 Q At what place? A Down here below Cotton Wood.
 Q The next child? A Fannie.
 Q Where born? A He was born there too.
 Q In Sequoyah District? A Yes sir.
 Q Next child? A Hollie.
 Q Where born? A In Sequoyah District, near Muldrow.
 Q Were all your children you have given here born in Sequoyah Dis-
 trict? A Yes sir.
 Q You were not here in 1880, when the roll was taken? A No sir,
 but we moved here in 1880.
 Q Have you ~~never~~ ever resided in the Cherokee Nation, either tem-
 porarily or permanently since 1880? A Yes sir.
 Q Have you ever resided any where else other than in Sequoyah Dis-
 trict since that time? A No sir.
 Q When was the first money you ever drew in the Cherokee Nation?
 A I do not know what year it was, but I drew the bread money.
 Q In 1882? A Yes sir.
 Q Did you draw money in 1889? A Yes sir; I think we did.
 Q Did you draw money in 1891? A I think we drew money four times;
 four or five times.
 Q You never had any children born out of the Cherokee Nation?
 A No sir.
 Q You never married before, but did one wife to your present hus-
 band, Ross? A No sir.
 Q These children are all living with you in this District?
 A All but one; he is married, and lives right there with us.
 Q You never lived in the Cherokee Nation before the war until you
 married in 1867? A I was over here the time I was small; I went
 to school here.
 Q About how long did you go to school here? A I was nearly twelve
 years old; our father took us and sent us to the State to school.

By the Commission:

The name of Mary Ross appears upon the census roll of 1886, and
 the names of her children, William, Hollie, Grover C. and Ollie also
 appear on the census roll of 1891. Upon examination of the records,
 it is found that her name does not appear on the authenticated roll
 of 1880. Satisfactory proof notwithstanding made as to her residence, or
 actual citizenship, final judgment as to her enrollment and that of
 her children will be suspended, and her name will be placed on a
 doubtful card. You will be notified by mail of the decision of the
 Commission in your case.

R. B. Cravens, being sworn, states
 that as stenographer to the Commission to the Five Civilized Tribes,
 he reported the foregoing case, and that the above and foregoing is
 a true, full and correct transcript of his stenographic notes in said
 case.

Sworn to and subscribed before
 me this 21st day of August, 1900.

R. B. Cravens
 R. B. Cravens

COMMISSIONER

COMMISSION TO THE PEOPLE OF THE UNITED STATES.

FILED

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ACTING CHAIRMAN.

COMMISSION TO THE PEOPLE OF THE UNITED STATES.
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Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 8th 1900.

SUPPLEMENTAL testimony in the case of Mary Ross and children. D-132.

Emily Breedlove called and sworn as a witness before Commissioner
Needles testified as follows-

Q What is your name? A. Emily Breedlove.

Q What is your age? A. 64.

Q What is your post office address? A. Tahlequah.

Examined further by Cherokee Representative W. W. Hastings.

Q Do you know Mary Ann Ross? A. I dont know whether her name is Ann.

Q It is the woman whose post office is Maple, I. T. and whose present husband is Rile Ross? A. Yes sir I know her.

Q What is her fathers name? A. Miles Ross.

Q Did you know Mary Collens? A. Yes sir.

Q Do you know her mother? A. Yes sir.

Q What is her name? A. Malinda Wilson was her maiden name and she afterwards married Collins.

Q What was Miles Collins citizenship? A. White man.

Q What was Mary Collins, nee Wilson's citizenship? A. She was a Cherokee.

Q Where was she born? A. Near Mayesville in the Cherokee Nation.

Q Was she any relation of yours? A. Yes sir, my aunt.

Q Did she live at Mayesville all the time? A. No sir, she came to this place and then she came to live with me and she married Collins while living with me.

Q Where was she born? A. In Sequoyah district.

Q Has she always lived in the Cherokee Nation? A. Yes sir except during the war, her mother went to Fort Smith because she could not live here and took her children with her, and right after the war, she and her husband seperated and she turned all the children over to him and he took them to the Choctaw side and then he remarried and these children would come back and forth and visit their relations and this Mary staid with me a while and with my aunt Mrs. McKinney

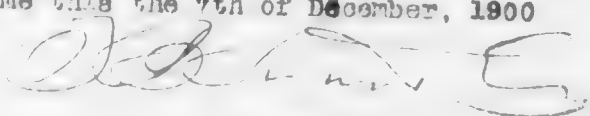
Q How long has she been a continuous resident of the Cherokee Nation
A. I dont know exactly, but since she and Mr. Ross have married they have lived here

Q She has lived here ever since she was married? A. Yes sir.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the foregoing cause and that the above is a full, true and correct transcript of his stenographic notes therein.

(Chas von Weise)

Subscribed and sworn to before me this the 7th of December, 1900



Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 13 1901

ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

D.#131.

D.#132.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARY ROSS, D. #132, and MARGARET AINSWORTH, D. #131, as citizens
of the Cherokee Nation.

JOHN W. BREEDLOVE, being sworn and examined by Commissioner
Breckinridge, testified as follows:

Q Give me your full name? A John W. Breedlove.
Q What is your age? A 48 years old.
Q What is your post office? A Muldrow.
Q In what district do you live? A Sequoyah.
Q You want to give some evidence in the case of Mary Ross and her
children do you? A Yes, sir.

And also in the case of a sister
of her's, Margaret Ainsworth.

EXAMINATION BY MR. BREEDLOVE, of the firm of Breedlove & Bruton,
Attorneys for the applicants:

Q I will ask you if you are acquainted with Margaret Ainsworth
and Mary Ross? A Yes, sir.
Q How long have you known them? A I have known them since the
Fall of '73, or Spring of '74; they went to school to me, one of
them did.
Q Which one? A Maggie Ainsworth.
Q What was her name at that time? A Maggie Collins.
Q Did you know the other one you say at that time? A Yes, sir,
saw her frequently.
Q What was her name at that time? A Mary Collins.
Q Were you acquainted with these parties in the year 1880? A I
do not know immediately where they were in 1880; I saw them fre-
quently between '73 and '80.
Q I will ask you if you knew their mother? A Yes, sir.
Q What was her name? A Her name was Malinda Young. She was a
Wilson.
Q You say she was a Wilson before that? A Yes, sir.
Q Did you know her people, her sisters or brothers, or did she
have any? A Yes, sir; I have known several of them, Dr. Wilson
and William Wilson are brothers of her's.
Q Are they citizens of the Cherokee Nation? A Yes, sir.
Q You state that they had a brother that you designate as Doctor
Wilson, what was his name besides Doctor? A George W. Wilson; she
had a sister by the name of Beckie, she was a McKinney, she married
a McKinney.
Q I will ask you if you know anything about them being recognized
at the time you knew them and about the time of 1880 as citizens of
the Cherokee Nation and previous to that time? A Yes, sir; I have
known all of them, they voted; that is, the men folks of them voted.
Q Did you ever teach school in that district? A Yes, sir. I
taught there in '72, 3 and 4; taught three or four years there.
Q What kind of school did you teach? A Cherokee National School.
Q Did either one of these children attend that school while you
were teaching? A There were three attending.
Q Did these two applicants mentioned here, Margaret Ainsworth and
Mary Ross attend your school? A Margaret attended my school and one
named Martha; I don't remember Mary going to school, her brother
named Tom went to school.

Q Now do you know anything about the life of these two parties, or their connection, relationship of their mother and father and the conditions of circumstances about the time they went to school there, and between that and the year 1880; just go ahead and state as briefly as possible the facts that led up to their residence in the Cherokee Nation? A Their father lived there in the Choctaw Nation, Mike Collins was his name, and the children staid part of the time over there with him in that Nation.

Q Now go back a little further than that; how was it did they happen to live over in the Choctaw Nation? A Their mother went away, about the time of the War, their mother seemed to have deserted them and they went backwards and forwards from the Choctaw Nation to the Cherokee Nation; they staid wherever they could stay; they depended on their connections.

Q You say their father and mother separated? A Yes, sir, in the time of the War.

Q Do you know where her mother went? A The first I knew of her after the War was she made application for admission to the Cherokee Council under the name of Malinda Young.

Q When they separated what became of the children? A They went with their father over in the Choctaw Nation. This is earlier than I knew the children; when I came here they had been living with him up to '80, when they married. Their mother came after one of them, the little one, in 1876 and she never got home with it, the least one of the children.

Q You state then that during the time you have known them that they have been recognized as citizens of the Cherokee Nation by blood?

A Yes, sir.

BY COMMISSIONER BRACKENRIDGE:

Q Malinda Young of whom you speak was the mother of Mary Ross and Margaret Ainsworth? A Yes, sir.

Q Malinda Young died before 1880 did she? A No, sir.

Q When did she die? A She has not been dead long, it has not been more than two or three years; I don't know that she is dead at all. She has lived in Coosawadee district or Delaware up there somewhere.

Q When did she marry this man Young? A I do not know, sir.

Q Before 1880? A If she married him at all she married in the time of the War.

Q She went by the name of Malinda Young? A Yes, sir.

Q Before that she went by what name? A She was a Collins.

Q Was she a Collins when she took the name of Young? A Mary Collins, Collins was her husband.

Q She once bore the name of Wilson? A Her maiden name was Wilson.

Q Then it runs this way; she was first Wilson, then Collins, then Young, she bore these names in that order did she? A Yes, sir.

Q She was known as Malinda Young before 1880? A Yes, sir, Malinda Young in 1876 the first I knew of her.

Q You knew her as Malinda Young as far back as 1876? A Yes, sir.

Q Where was she living at that time? A She was living out near where Prairie City is now.

Q How long did you say she has been dead? A I do not know how long she has been dead; she may not be dead at all.

Q Has she lived in the Cherokee Nation ever since 1876, this Malinda Young? A I do not know, sir, she lived up in the upper part of the Cherokee Nation, and she came down to my house after this girl.

Q About what time? A '76.

Q As far as you know where has Malinda Young lived since that time? A In the Cherokee Nation.

Q Now, these two daughters, Mary Hess and Margaret Ainsworth, have they lived in the Cherokee Nation ever since that time? A I don't know, sir; I know of what time they were there; I have seen them off and on for the last 20 years; they have dealt with me, the men have; I think they have staid in the Choctaw Nation part of the time.

Com'r Breckinridge:--The list of re-admitted citizens in the possession of the Cherokee Representatives present shows that Malinda Young was re-admitted by the Commission, July 13th, 1888.

Q Do you know anything of her having been re-admitted as a Cherokee citizen? A She applied to the Cherokee Council for re-admission; I happened to be at Tahlequah when she made the application, I don't remember the year she made application for herself. Her brother was President of the Senate and one of them was in the Council.

Q You know that this Malinda Young who was admitted to be the mother of these children? I do not know the year in which she made application.

Q It was in 1888 that she was admitted? A I think it was earlier than that.

EXAMINATION BY MR. BRECKINRIDGE:

Q Do you know whether or not she at one time, Malinda Young, that you speak of, moved to Missouri and left the Territory? A I only know of the history of the family. It was stated that she turned the children over to him and went off with a Lieutenant in the Army to Fort Smith, and when I came here she made application for readmission to the Cherokee Council.

JOHN FAULKNER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A John Faulkner.

Q How old are you? A I am in my 54th year.

Q What is your post office? A Muldrow.

Q In what district do you live? A Sequoyah.

Q How long have you lived in the Cherokee Nation, Mr. Faulkner? A All my life.

EXAMINATION BY MR. BRECKINRIDGE:

Q I will ask you, Mr. Faulkner, if you are acquainted with Mary Hess and Margaret Ainsworth? A Yes, sir.

Q How long have you known them? A I have known them ever since '66 personally, I have known them longer than that.

Q What was their names before they were married? A Collins.

Q Did you know their mother? A Yes, sir.

Q What was her name? A Malinda Collins she went by when I first knew her.

Q What was her maiden name? A Wilson, Malinda Wilson.

Q Did you know their brothers and sisters, and if so, state what their names were? A William Wilson and G. W. Wilson and she had some sisters.

Q I will ask you if they were recognized as citizens of the Cherokee Nation by blood? A Yes, sir, ever since I lived here, I knew them before the War.

Q Where have these parties lived, Mary Hess and Margaret Ainsworth, since you have known them? A After they separated they staid with their father over in the Choctaw Nation some.

Q Who separated? A Their father and his wife separated about the time peace was made; I heard that she throwed them away and he t x

taken them there. I saw them in '66 and that was about the time the War closed; I saw him there in '66 with these children.

Q What part of the Choctaw Nation? A I saw them there at Soullville.

Q I will ask you if that is near the Choctaw and Cherokee line?

A It is about five miles.

Q Right near the line is it not? A Yes, sir.

Q I will ask you if their people before that they moved to the Choctaw Nation, if they did not live in the Cherokee Nation right on this side? A Yes, sir, that is where I first got acquainted with the old folks.

Q Now, go ahead, Mr. Faulkner, and state if you know anything about their life from the time their father and mother separated up to the present time? A She got away from them, I heard she throwed them away, and any way he got those children and she went up to Missouri and the old man taken them and that was just after the War broke and nearly everybody stopped on the other side.

BY COMMISSIONER BROCKINRIDGE:

Q Where did they stay then? A They staid there and went to school.

Q When did they come back to the Cherokee Nation? A It has been 20 years I expect since I saw Mr. Ross here.

Q That is the husband of Mary Ross? A Yes, sir.

Q Have they been living in the Cherokee Nation ever since? A Yes, sir.

Q Had he been living here before that time, when you saw him some 20 years ago? A No, sir, he married over there.

Q He come back into the Cherokee Nation about 20 years ago? A

Yes, sir, I saw him and he had been living in the Choctaw Nation.

Q And he has been living in the Cherokee Nation ever since? A

Yes, sir.

Q And so has Margaret Ainsworth? A Yes. She has been living here ever since that time.

Q She had been living before that time in the Choctaw Nation? A

Yes, sir.

Q And for the past eleven years she has been living in the Cherokee Nation? A I don't recollect how long.

Q As much as five or six years? A Yes, sir, it seems to me like about eight, to the best of my knowledge.

BY MR. BROCKINRIDGE:

Q I will ask you, Mr. Faulkner, during the time you have known them if they have been generally recognized and accepted down there in Sequoyah district as recognized citizens of the Cherokee Nation by blood? A Yes, sir, their mother Malinda Young left him and she come and sold everything and he had nothing to come back to; in 1860 all the people that went South had their property confiscated and when he went away she sold the place and left him nothing to come back to, and left him with these four children to raise.

JOHN E. GUNTER, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give your full name please? A John E. Gunter.

Q How old are you? A 54.

Q What is your post office? A Muldrow, I. T.

Q Do you live in the Cherokee Nation? A Yes, sir.

Q How long have you lived there? A All my life.

EXAMINATION BY MR. W. O. BRUTON, of the firm of Breedlove & Bruton, Attorneys for Applicants:

Q What official position, if any, did you hold in the Cherokee Nation during the years 1893 and 1894? A I was a member of the Senate.

Q As a member of the Senate did the Cherokee Nation provide for a Revising Committee to revise the rolls taken of the Cherokees at that time, about 1894? A Somewhere about that time.

Q State whether or not you were a member of that Committee? A Yes, sir, I was; I think that the Act that was passed provided that all the members from the district should compose a Committee to revise the rolls.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q For each district? A Yes, sir.

Examination continued by Mr. Bruton:

Q State whether or not you acted upon the applicant's, Margaret Ainsworth and Mary Ross? A Yes, sir.

Q Did your Committee at that time place the names of these applicants upon the revised roll? A Placed one of them.

Q Which one? A Margaret Ainsworth.

Q Now just state, Judge, why you placed her name upon there; whether it was personal knowledge of the applicant or evidence brought before you, or both? A Well it was from testimony and personal knowledge of the family.

Q How long have you known this applicant, Margaret Ainsworth?

A I suppose since along in '60/ the balance of them I was acquainted with them since somewhere in '50, '54 or 5.

Q How were they recognized and how have they been recognized with reference to their citizenship in that district? A They have been recognized as citizens of the Nation.

Q There Nation? A Yes, sir.

Q By blood or how? A By blood.

BY COMMISSIONER MCKINNEY:

Q Do you know of any reason why they were left off the roll of 1880? A No, sir, I don't; I think at that time they were in the Choctaw Nation, Margaret Ainsworth.

Q You think it arose from that? A Yes, sir.

Q Their mother had left them, I believe, during the War and they were brought up by their father in the Choctaw Nation? A Yes, sir. Well as I understand it they were back and forth.

Q Their family had been broken up considerably by the conduct of their mother? A Yes, sir.

The blood Pay roll of citizens of the Cherokee Nation for the year 1894, examined and the names of the applicants are found thereon as follows: Page 932, #43, as Margaret Ainsworth, Sequoyah district. Page 989, #1159, as Mary Ross, Sequoyah district.

BY MR. BRUTON: We would like to introduce the fact that these applicants' aunts and uncles who have been mentioned in the testimony are on the roll of 1880; we would like an examination of the rolls and notation made of the fact that William Wilson, George W. Wilson and Rebecca McKinney, who have been shown to be their uncles and Aunt are on the roll of 1880.

Supl.--P. #131.
132.

1880 Authenticated roll of citizens of the Cherokee Nation
examined and parties names found thereon as follows:

Page 728, #1413, Geo. W. Wilson, Sequoyah district.

Page 709, #664, Rebecca McKinney, Sequoyah district.

Gen'l Breckinridge:--Copies of this testimony will be filed
with cases D. No. 132 and D. No. 131. Both parties here interested
Margaret Ainsworth and Mary Hess, are identified on the roll of
1884. Their Uncle and Aunt, the same being a full brother and full
sister of their mother, are identified on the roll of 1880. It
is further shown in this testimony that the mother, who appears to
have abandoned her family about the time of the Civil War, was re-
admitted to citizenship at a subsequent date. The early life of
these two children having been spent in the Choctaw Nation, and it
is further shown in the testimony that at the time the roll of
1880 was made they were apparently in the Choctaw Nation living with
their father, their mother having, by her conduct in leaving her
family and leaving her children virtually destroyed their home
in the Cherokee Nation.

---no 000000---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 12th day of February, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. June 3rd 1902.

In the matter of the Application of ~~George Washington~~
for enrollment as a citizen of the Cherokee nation.
No. Cherokee D 1887 132

Protest of the Cherokee Nation

The Cherokee nation respectfully desires to protest against the enrollment of the applicants and asks that the decision of the Commission rendered May 20th 1902 be forwarded to the Honorable Secretary of the Interior for review.

None of the names of the applicants appear upon the authenticated roll of 1880 and the Cherokee nation contends that this roll was the only roll authenticated by Section 21 of the act of Congress commonly known as the Curtis Bill and that in view of the fact that none of the applicants name appears upon said roll it is necessary for the applicant to show that she was readmitted to citizenship in the Cherokee nation by the national Council or some court or Commission having jurisdiction. None of the above applicants were so admitted. The Cherokee nation contends that the Commission had authority to hear applicants for admission to citizenship in the Cherokee nation under the act of June 10, 1896 and that it is now engaged in making a roll of the recognized citizens of the Cherokee nation and that in order to determine who are recognized citizens of the Cherokee nation the only way is to first ascertain whether or not the applicants name appears upon the authenticated roll of 1880 and if it does not then ascertain whether or not the applicant had been admitted by some competent authority having jurisdiction to admit persons to citizenship in the Cherokee nation. We do not believe that congress ever intended that the commission go behind the roll of 1880. Fifty thousand persons had applied in 1896 and congress well knew that to now open the doors for proof as to blood would make the task of the Commission an endless one. Hence we contend that it was the intention of making the 1880 roll the starting point behind which the commission could not go and upon which the names of all applicants must appear or their parents and if not they must show that they were admitted subsequent to that time and the applicants in this case having failed to do this we con-

and that under the law they are not entitled to be enrolled at this time.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee nation.

JCS

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COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 132.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date May 20, 1902, granting the application of Mary Ross for the enrollment of herself and her children, Thomas, Mollie, Grover C. and Ollie Ross, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 4, 1902.

Very respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Mary Ross et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 15, 1900
- B. Memo of application " 15, 1900
- C. Supplemental testimony - Dec - 6, 1900
- D. Attorney's receipt for testimony
- E. Supplemental testimony - February 11, 1901
- F. Notice of final consideration

Transferred

*Aug 23, 1902 Transferred
to...*

*See Cherokee Papers 13-5
2131*

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D 133

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1900

[Signature]
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MILBROW, I. T., AUGUST 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Artie Welch and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breakinridge, testified as follows:

- Q What is your name? A Artie Welch.
Q What is your age? A Thirty four.
Q What is your Postoffice? A Long.
Q What is your District? A Sequoyah.
Q For whom do you make application for enrollment?
A Myself and two children.
Q Do you apply for yourself as a Cherokee by blood or by adoption?
A Adoption.
Q How long have you lived in the Cherokee Nation?
A Ever since the 12th of January, 1888.
Q You present Madam a duly certified copy of your marriage certificate, which copy is signed by J. B. Lynch, Clerk of Flint District, under the seal of his office, and the certificate shows that John S. Welch and Artie Bissell were joined together in matrimony, according to the customs and laws of the Cherokee Nation, on the 12th day of January, 1888, by William J. McKee, Clerk of Flint District. Record was made on the 13th of January, 1888 in Book #13, Page 51, by the Clerk. Have you lived in the Cherokee Nation ever since you were married in 1888? A Yes sir; except through a spell of sickness.
Q But you have never changed your home? A No sir.
Q Is your husband dead? A No sir.
Q Are you divorced from him? A I heard he was dead, but that was a mistake.
Q Have you ever been divorced from him? A Yes sir.
Q Have you the decree of divorce? A No sir; not here.
Q What is your husband's age? A He was forty three I believe the year I and him were married.
Q Forty three when you were married to him? A Yes sir.
Q He would be about fifty five now? A Yes sir; it has been twelve years ago; twelve last January.
Q Is he a native of the Cherokee Nation? A Yes sir.
Q A Cherokee by blood, is he? A Yes sir.
Q Do you know whether his name appears on the roll of 1880?
A Yes sir; I guess it does. He has been here all his life.
Q Did he live all his life, as far as you know, in Sequoyah District? A No sir; he lived in Flint District.
Q Where am I likely to find him on the Roll of 1880; in Flint District? A Yes sir; he was enrolled in 1880 in Flint, I suppose.
Q You mean 1894, I guess; we have no roll of 1890? A Yes sir; he was enrolled before the bread money was paid.
Q Then you were divorced from your husband, were you granted the custody of your children? A Yes sir.
Q How many children did you have? A Just two.
Q When were you granted a divorce from your husband?
A Several years ago; I disremember now.
Q Where were the proceedings had; at Tahlequah? A No sir.
Q Where? A At Van Buren.
Q In Arkansas? A Yes sir.
Q What were you doing in Van Buren; were you living there at all?
A No sir.
Q Were you living there at that time? A No sir.
Q Give me now please the names of your children?
A William L. Welch.
Q You spoke of having two children; they are the children of this marriage? A Yes sir.
Q Give me their names? A William L. Welch.
Q How old is that child? A He will be eleven years old the 30th of this month.

Q What is your next child? A Elizabeth Welch.
 Q How old is she? A She was nine years old the 7th of April.
 Q These children are living and living with you? A Yes sir.
 (Applicant's former husband identified on the roll of 1880, Page 399, #1408, John B. Welch, Flint District) (On the roll of 1896, Page 914, #2071, John B. Welch, Illinois District)
 Identification of applicant's children:
 (1896 Roll, Page 1110, #1892, William B. Welch, Sequoyah District)
 (1896 Roll, Page 1110, #1893, Elizabeth Welch, Sequoyah District)
 Q Why were you not enrolled with your children in 1896? A I applied for enrollment, and they told me I would have to get a marriage certificate, and I got the certificate, but when I got back, it was too late; the roll had been closed.
 Q What is the certificate you present here now, is it? A Yes sir.
 Q Have you ever married since you were divorced from your husband? A No sir.
 Q In what year were you divorced? A I can not tell you; I dis-remember.
 Q About how long ago has it been? A About eight years ago; seven or eight.
 Q These children are both living, are they, at this time? A Yes sir.

By Mr. W. T. Hutchings, Cherokee Representative:

Q How many living wives had John Welch at the time you married him? A I do not know.
 Q Was he not sent to the penitentiary for bigamy, for marrying you? A Yes sir.
 Q Did you get your divorce from him on that ground that at the time he married you, he had a living wife? A Yes sir.
 Q Do you know whether or not his wife, E. L. Welch, who was enrolled with him as his wife in 1880, is still living? A I can not tell; there is one dead, and he was divorced from one.
 Q You have never lived with John Welch since he was sent to the penitentiary for bigamy, for marrying you, have you? A No sir.

By the Commission:


Q At the time you were granted a divorce from John Welch, for bigamy on his part, was his wife, to whom he had been previously married, still living? A I do not know.

The applicant is shown to have been married to her husband, from whom she is now divorced, on the 12th of January, 1888, in accordance with the Cherokee law; a certified copy of her certificate of marriage is filed herewith. She applies as an intermarried Cherokee; her husband is identified on the roll of 1880, and on the roll of 1896, as a Cherokee by blood. It is admitted by her that the divorce which she secured from her husband was on account of his being guilty of bigamy in marrying her. There is no contest about the marriage, the divorce, or the fact that the applicant is not married since her divorce. Hence, she retains at this time all the rights she ever enjoyed as the wife of John B. Welch, a Native Cherokee, to whom she was married, but the question as to the effect of the bigamous conduct of John B. Welch, the husband and father, upon the rights of his present ~~and~~ divorced wife, and their children. For the further consideration of the points arising in this case, it will be at present listed upon a doubtful card; the same course will be taken with reference to her two children for whom applicant also seeks enrollment at this time. Their names are William B., and Elizabeth Welch; they are the children of the marriage referred to in this case. They are living at this time with their mother, who it seems was granted their custody; and they have been identified on the roll of 1896.

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H. R. Grooms, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct copy of his stenographic notes in said case.

Sworn to and subscribed before
me this 23rd day of August, 1900.

H. R. Grooms


COMMISSIONER.

"R"

Cherokee D-133

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Artie Welch, et al., for enrollment as citizens of the Cherokee
Nation.

Appearances:

Jesse W. Watts, attorney for the applicants;
W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION, of Mr. Watts:

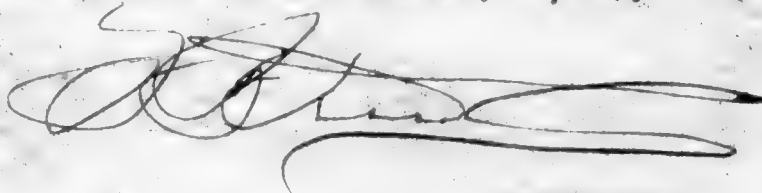
Do you submit this case to the Commission for final
consideration? A Yes sir.

BY COMMISSION: You will be given ten days within which to
file brief, a copy with the Representatives of the Cherokee
Nation and a copy with the Commission.

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings in this case and that the foregoing is a true and com-
plete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this February 20, 1902.



Commissioner.

19133

COLETTA, 1990

CONFIDENTIAL
The following information was obtained from the files of the Federal Bureau of Investigation, Department of Justice, and is being furnished to you for your information only. It is not to be distributed outside your agency.

ACTING CHAIRMAN

FILED
3 1902

COMMISSION TO THE RIVER, 1933

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the application for a license to sell and dispose of the property of the estate of the late John A. Smith, deceased, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

"R"

Cherokee D 138

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Artie Welch for enrollment as a Cherokee citizen.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: W.W.Hastings, Representative of the Cherokee
Nation, is in receipt of the following letter, bearing date of
February 19, 1902, and submits the same to the Commission:

"Mr. W.W. Hastings,

Muskogee, Indian Territory.

Dear Sir:- After further considering the cases of Effie
Denton and Artie Welch vs. Cherokee Nation, I shall not
file the briefs, but shall submit them as they now
stand.

Very truly yours,

Jess. W. Watts."

This will be filed in the above application.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Artie Welch for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her minor children William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on August 16, 1900, at Muldrow, Indian Territory, Artie Welch appeared before the Commission and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children William L. and Elizabeth Welch as citizens by blood of the Cherokee Nation. On February 17, 1902, at Muskogee, Indian Territory and again on February 20, 1902, at the same place further proceedings were had in the matter of the above application. The evidence shows that the principal applicant was married on January 12, 1888 to John E. Welch, a citizen by blood of the Cherokee Nation. It further appears that the said John E. Welch had then a living wife. The marriage between said John E. Welch and the principal applicant was therefore void. Her minor children William L. and Elizabeth Welch are the issue of that marriage. They are identified on the Cherokee Census roll of 1896.

Section 692 of the Cherokee laws provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living shall be absolutely void in this Nation, . . . provided that the issue from such unlawful marriage shall nevertheless be legitimate."

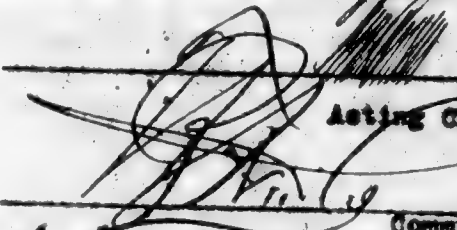
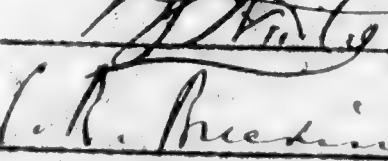

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 496).

-2-

It is therefore the opinion of this Commission that Artie Welch is not lawfully entitled to enrollment as a member by intermarriage of the Cherokee tribe of Indians in Indian Territory, and that the application for her enrollment as such should be refused, and it is so ordered.

It is further the opinion of this Commission that William L. and Elizabeth Welch are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY 20 1902

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. 133.

ADDRESS ONLY TO:
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Artie Welch for the enrollment of herself and her minor children, William L. and Elizabeth Welch, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,


Commissioner in Charge.

Encl. D-133.

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COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. DRESSERIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 133

ALFRED L. AYLESWORTH

Muskogee, Indian Territory, October 15, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

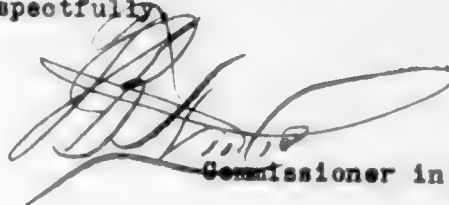
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rejecting the application of Artie Welch, for the enrollment of herself as a citizen by intermarriage and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on May 21, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully



Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYERSWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-133.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1902.

W. W. Hastings,

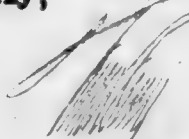
Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated May 20, 1902, denying the application of Artie Welch for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her two minor children, William L. and Elizabeth Welch, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Artie Welch et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 16, 1901

B. Names of applicants - " 16, 1901

C. Marriage certificate

D. Letter from J. H. Bissell.

Notice of final consideration

3 Receipt for testimony

Letter from atty.

Supplemental proceedings 11/10/01

" " and
order closing testimony 2/20/02

1902 Bar called and
transferred to Cherokee Card

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
IN AUG 26 1900

[Signature]

ASSISTANT SECRETARY

[Signature]

[Signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 15, 1900.

In the matter of the application of Malinda King for the enrollment of herself as a Cherokee by intermarriage and her children as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Malinda King.
- Q What is your age? A 35.
- Q What is your post office address? A Long, I. T.
- Q Are you a recognized citizen of the Cherokee Nation? A I reckon so.
- Q By blood or intermarriage? A By intermarriage.
- Q What district do you live in? A Sequoyah.
- Q How long have you lived in Sequoyah? A 17 years.
- Q Continuously, right along? A Yes, sir.
- Q For whom do you apply for enrollment? A My children, two children.
- Q Yourself and your children? A Yes, sir.
- Q And your husband? A No, sir.
- Q What is your father's name? A William Hill.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Catherine Hill.
- Q Is she living? A No, sir.
- Q They were non citizens? A Yes, sir.
- Q Are you married? A No, sir.
- Q Have you been married? A No, sir, not but one time, I was married once.
- Q What was your husband's name? A Jeff King.
- Q Was he a citizen by blood? A Yes, sir.
- Q Is he living? A No, sir.
- Q When did he die? A Year ago last October.
- Q What was his mother's name, do you know? A Annie King.
- Q Is she living? A No, sir.
- Q Was she a Cherokee by blood? A Yes, sir.
- Q What was his father's name? A Jackson King.
- Q Is he living? A No, sir.
- Q When did he die, do you know? A I don't remember.
- Q Before 1880? A She died since then, she might have died since 1896, I don't recollect.
- Q What evidence have you got of your marriage, have you got a marriage certificate? A No, sir, it ought to be on the record here, Judge Faulkner.
- Q Who married you? A Judge Faulkner.
- Q Is he living? A No, sir.
- Q When were you married? A In 1885.
- Q Where were you married? A I was married up here at Sweettown at Judge Faulkner's house.
- Q In the Cherokee Nation? A Yes, sir.
- Q Have you got any proof of your marriage, have you got no marriage certificate? A No, sir, he never gave us any.
- Q Did your husband have a marriage license? A No, sir.
- Q Have you got anybody here that knows you were married, that saw you married? A No, sir, there is no one here that saw me married.
- Q Was your certificate recorded, do you suppose? A I suppose it was, I thought Judge Faulkner ought to do it.
- Q Have you any children? A Yes, sir.
- Q What is the name of your oldest child now at home? A Parker King, 16 years old.
- Q What is the name of the next one? A Frances, 14 years old.
- Q What is the name of the next one? A Ora Seabolt, 18 months o. d.
- Q She was born out of wedlock, was she? A Yes, sir.
- Q You have separated from your husband? A Yes, sir.
- Q Did you leave him? A Yes, sir, me and him separated, he taken another woman and we just quit.

Malinda King - 2.

Q You want to know about it that: how long did you live with Jeff King? A Going on 6 years.

Q When you married him? A Yes, sir.

Q Did you leave him or did he leave you? A He left me.

Q Did you have a divorce from him? A No, sir.

Q You say he married again? A Well, he taken a Cherokee woman

and I don't know how long; you will find out where she enrolled with him.

Q You have been married since? A No, sir.

Q How many children of your, have you raised here? A No, sir, he had one until he died and then I taken a childman.

Q You have had that ever since? A Yes, sir.

Q When was that child born? A October, 1880, I believe.

Q Did that boy or there where you were married? A There was no other Jeff's brother or his judge's life and his wife.

Q And Jeff's mother and the judge's wife living? A No, sir, they are dead about there. Child of the judge's there, that was in bed; the judge's wife died at night.

Q How many of my neighbors here that know you lived with Jeff as husband? A I don't know where there know it.

Q Any one of those around here know you? A I don't know.

James M. Seabolt, being sworn and examined by the undersigned, testified as follows:

Q What is your name? A James M. Seabolt, my nick name is Russio.

Q What is your age? A I am 40.

Q What is your post office? A Long, I.T.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know this lady here, Malinda King? A Yes, sir, I have known her for several years.

Q Do you know Jeff King? A Yes, sir.

Q Do you know whether Malinda and Jeff King were married or not?

A Well, sir, it was generally known they were married, I suppose they were married lawfully.

Q Did they live together as man and wife to your knowledge? A Yes, sir.

Q For how long? A Well, sir, I don't believe I can answer correctly how long, but they have lived together for several years.

Q When you parted with them at the time they separated? A Yes, sir.

Q Did Jeff King abandon her or did she abandon him? A I can't answer that question at all, I don't know whether he abandoned her or whether she did him.

Q Did she live where they lived when they parted, and after they parted? A I don't believe I can answer that question.

Q Were they generally considered by the neighbors there as man and wife while they were living together? A Yes, sir.

Mr. J. L. Raugh, representative of the Cherokee Nation: Do you know of your own knowledge about these two children of hers that she claims to be her children? A Yes, sir, they are always recognized as hers and her children.

Q After they were separated, did Mr. King take these children and keep them himself? A Yes, sir.

Malinda King, recalled, testified as follows:

Q Where were you living when you parted? A We were living about three miles and a half north of Muldrow.

Q On a farm? A Yes, sir.

Q When you and him parted did you stay where you lived or did you go away and did he remain there? A No, sir, we both went away from there; he went and taken another woman.

Q What did you do? A I went to his sister's to live.

Q Both of you left that place? A Yes, sir, I went to his sister's.

Malinda King - 3.

Q Which left first? A He left and brings this woman here.

Q To your house? A Yes, sir, and I left and went to his sister's.

Q When he brought the woman to your house you moved? A Yes, sir.

Mr. Baugh: Was this man married to a woman before he was married to you? A Yes, sir, but she was dead when me and him was married.

Q Hadn't he been married to two women before you and him were married? A Not that I know of.

Q After you and he were married, didn't he marry twice more after that, and then was convicted in Judge Parker's Court for living with two women? A Well, he had been married, he was a widower when me and him married, we were married in 1883, and me and him lived together about 5 years or a little over 5 years and he brings a Cherokee woman home, you called her name right here, and I left and went to his sister's, and I stayed with her, and then he takes this woman, and I reckon he claimed to have her married lawfully, and he goes and marries another white woman, and pretends to have her married lawfully, but I don't know whether any of them were lawfully married.

Commissioner Needles: Then he got into trouble about that, did he? A Yes, sir.

Q Was he convicted for living in adultery with this woman? A I don't know.

Q You don't know of his marrying but twice after he married you and left you? A He had two white women and one Cherokee woman after he left me.

Q Have you got any further testimony that you can give as to your being married to King? A No, sir, I can't bring any eye witnesses.

Q Any other of your neighbors around here that knew you were married? A Annie Holt around yonder.

Can she talk English? A Yes, sir.

Q The Judge didn't give you any certificate when he married you?

A No, sir, he said it wasn't required

Annie Holt, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Annie Holt.

Q How old are you? A 48.

Q What is your post office? A Long.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Do you know Malinda King? A Yes, sir.

Q Did you know her husband, Jeff King? A Yes, sir.

Q Do you know whether they were married or not? A No, I never was present when they were married.

Q Do you know they lived together as man and wife? A Yes, sir, I seen them together.

Q Were you ever at their house? A No, I was right near the old man's house and I seen them together all the time.

Q They were living together as man and wife? A Yes, sir, I seen them at Jeff's father's house.

Q Did the neighbors all around there think they were married?

A Yes, sir, I seen them acting like man and wife, going to meeting, they went together.

Malinda King, recalled, testified:

Q Jeff King entered suit against you for a divorce? A Yes, sir, and we compromised before it went to Court.

Q Was Clem Martin sheriff? A He was some officer.

Q Did he serve the papers? A Yes, sir.

Q Well, bring him here in the morning? A Yes, sir.

Mr. Baugh: What district did he institute suit against you in, in this district? A Yes, sir.

Q You say you compromised with him and went to living together again? A Yes, sir.

Q Was that after he had taken this other woman and had taken her his wife that you went to living with him again? A No, sir, it

Malinda King - 4.

was before, we and him separated and he didn't seem separated and that was before then, and he instituted suit for a divorce.

Q I understand you to say, a while ago, that he brought this case there, when you went out and lived with him, and then with him again? A Yes, that is the last time, and then I was separated half a dozen times, and we would go back to living together. I will testify to that in the morning.

(Case continued until August 16, 1900, 8 A.M.)

August 16, 1900

Additional testimony.

Mr. Hastings: Now sworn and examined by the Honorable Judge, testify as follows:

Q What is your name? A Mary Walters now, I used to be Malinda King.

Q How old are you? A I guess about 61 or 62.

Q What is your home address? A Long, I. T.

Q How long have you lived there? A Yes, sir.

Q Where do you live in? A Seaford district.

Q How long have you lived in Seaford district? A I have been there about 10 years.

Q How long have you known Jeff King? A Yes, sir.

Q How long have you known Malinda King? A Yes, sir.

Q How long have they been married or not? A I can't say they were, but rather went with the children then married, and she told me they were married; Judge Coulter married them.

Q Is Judge Coulter living? A No, sir, he is dead.

Q How long were they married, where did they live then? Q They lived together to the river.

Q Do you know whether they lived to, then, and then? A Yes, sir.

Q How long? A I can't swear just how long they lived together.

Q They lived together all the time from that time when she and wife until they came? A Yes, sir.

Q Which time; they parted more than once? A Yes, sir; he sued her for a divorce and they compromised and he went to living with her again, and they separated again and she came to my house.

Mr. W. L. Hastings, representative of Cherokee Nation: Did you know Jeff King? A Yes, sir.

Q Do you know whether he was married before this marriage took place? A Yes, sir, he had been married before.

Q How many times? A Just one time, his wife had died.

Q And he never had been married but once? A Not until he married her.

Q How long had you known him? A He was my brother.

Q And his wife had died prior to this marriage? A Yes, sir, his first wife, and then he married Malinda here.

Q How long did he live with Malinda? A I can't tell.

Q Was it a week? A Of course he lived with her longer than a week.

George Dock Needles: About how long? A I don't know how long, I can't say.

Mr. Hastings: Do you think he lived with her a year? A Yes, sir.

Q Now give your best judgment about how long he lived with this woman? A I am forgetful, I am getting old, and I can't recollect.

Malinda King, recalled, testified:

Mr. Hastings: How long did you live with Jeff King? A A little over five years.

Q Continuously? A No, sir, not all together, we was separated and would go back together and separate and go back together.

Q How many times did you separate? A I don't know.

Malinda King - 5.

Q How many children did you have? A We had two children

Q What has become of Jeff King? A He is dead.

Q Did you ever live up in Tahlequah? A No, sir.

Q He did? A Yes, sir, he did.

(1896 roll, page 1198, No. 1846, Parker C. King, Tahlequah district.
Frances King on 1896 roll, page 1198, No. 1847, Francis King, Tahlequah
district. Parker C. King on 1894 roll, page 968, No. 785, Sequoyah
district. Frances King on 1894 roll, page 967, No. 788, Sequoyah
district.)

The name of Malinda King does not appear upon the authenticated roll of 1880, nor upon the census roll of 1896. She avers that she was married to Jeff King, a citizen by blood, in the year 1883, by Judge Faulkner, who is now dead. She presents no certificate of marriage but makes verbal proof as to her marriage. She avers that the result of that marriage was two children, Parker C., age 16, and Frances, age 14. The names of Parker C. and Frances appear upon the census roll of 1896, and also upon the pay roll of 1894. No satisfactory evidence being given as to their marriage, final judgment as to the enrollment of herself as an intermarried citizen and her children, Parker C. and Frances as citizen by bloods, will be suspended, and their names will be placed on what is known as a doubtful card, or doubtful roll.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 23rd day of August, 1900.

Charles E. Jones
Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, T.T., DECEMBER 13th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION FOR ENROLL-
MENT OF MALINDA KING ET AL.

Com'r. T. B. Needles: The name of Malinda King is found upon the
census roll of 1896, Page 1118, #171, Malinda Seebelt, Sequoyah
District, she having been living with one, Ream Seebelt.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
proceedings above, and that same is a true and complete transcript
of his stenographic notes thereof.

A. R. Needles

Subscribed and sworn to before me this 13th day of December, 1900.

A. R. Needles

COMMISSIONER.

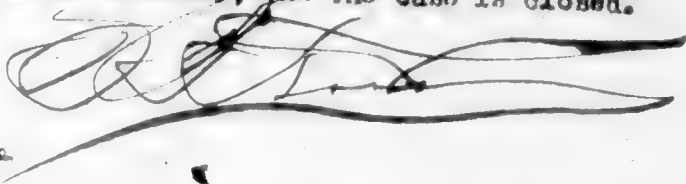
D134

COMMISSION TO THE CIVILIZED TRIBES
FILED
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Malinda King for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she could on said date appear before the Commission and introduce any additional testimony affecting her case. It was also requested that she furnish the Commission with a certificate as to her marriage. It also appears that the representatives of the Cherokee Nation make proof of service on the said Malinda King that they would on the 18th day of February, 1902, introduce testimony on behalf of the Cherokee Nation tending to disprove her right to enrollment as a citizen of the Cherokee Nation. The Cherokee Nation introduces a certified copy of a decree of divorce, obtained in the Circuit Court of Sequoyah District, May Term, 1891, Hon. C. L. Lynch presiding, granting a decree of divorce to Jefferson King against his wife, Malinda King, on the ground of abandonment, and section 667, of the Compiled Laws of the Cherokee Nation, 1898, is specially cited. The applicant in this case has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda King for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children Parker C. and Frances King, and Ora Seabolt as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on August 15, 1900, Malinda King appeared before the Commission at Muldrow, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children Parker C. King, Frances King and Ora Seabolt as citizens by blood of the Cherokee Nation. On December 13, 1900, at Tahlequah, Indian Territory, supplemental proceedings were had in the above application. The principal applicant was notified by registered letter of February 4, 1902, that the matter of her application would be taken up by the Commission for final consideration on February 18, 1902, and she was also notified by the representatives of the Cherokee Nation that they would at that time and place introduce evidence in behalf of the Cherokee Nation tending to disprove her right to enrollment as a citizen of the Cherokee Nation. No appearance was entered by the applicant and the Cherokee Nation introduced evidence relative to this application.

The evidence shows that Malinda King was lawfully married in 1883 to Jeff King. Upon an examination of the authenticated tribal roll of 1880, in the possession of this Commission it appears that Jeff King is identified thereon on page 705, Sequoyah District. Malinda King and her said husband were divorced in May, 1891, the divorce being obtained

by Jeff King on the ground of abandonment by his wife. The testimony in this case fails to support the conclusion that Malinda King abandoned her said husband. She is identified on the Cherokee Census roll of 1896. Parker C. and Frances King are the issue of the marriage between the principal applicant and Jeff King. They are identified on the Cherokee Census roll of 1896. Ora Seabolt is the child of the applicant by Bean Seabolt. It appears that in November, 1900, and subsequent to the birth of this child Malinda King and Bean Seabolt were united in marriage. Upon examination of the authenticated tribal roll of 1880, in the possession of this Commission Bean Seabolt is found to be identified thereon as a Native Cherokee at page 721, No. 1226, Sequoyah District. The status of the said Ora Seabolt is therefore defined by Sec. 692 "Laws of the Cherokee Nation" (1892):

"That when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495):

It is therefore the opinion of this Commission that the said Malinda King is lawfully entitled to be enrolled as a member by intermarriage, and Parker C. King, Frances King and Ora Seabolt are lawfully entitled to be enrolled as members by blood, of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Dated at Muskogee, I.T.

this MAY 20 1902


Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Washoe, D. T. June 3rd 1902.

In the matter of the application of Malinda King for enrollment as a citizen of the Cherokee Nation by Intermarriage, and for her children as citizens by blood.
Cherokee D. 134.

PROTEST OF THE CHEROKEE NATION.

The Cherokee Nation desires to protest against the enrollment of the applicants and respectfully asks that the decision of the Commission rendered May 20th 1902 in this case be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that the applicant Malinda King was married to Jeff King a Cherokee by blood in 1883, and that Jeff King obtained a divorce from his wife on the ground of abandonment at the very term of the circuit court for Sequoyah District in 1891. Section 667 of the compiled laws of the Cherokee Nation provides: "Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship in this nation.". Section 787 of the Cherokee laws provides: "Words in the masculine gender shall embrace a female, as well as a male, unless a contrary intention is manifest."

The question as to whether or not the applicant abandoned her husband has been adjudicated by a court of competent jurisdiction upon notice having been given the applicant, the defendant in that case, and a solemn judgment rendered. Judgments of courts of the Cherokee Nation stand upon the same footing as those of territorial courts and are entitled to the same faith and credit ---Mehlin Vs Lee, 56 Fed 12.

In this case this question was thoroughly gone into and the circuit court of appeals decided quoting numerous other cases that a judgment of a court of the Cherokee Nation was entitled to the same respect and had the same binding force that a Federal Court had. If this be true then the question of whether the wife abandoned the husband was adjudicated in 1891 by the Cherokee Court when it granted Jeff King a divorce from the

applicant and the applicant is now estopped from bringing in proof to
destroy the binding force of that judgment.

We submit that she is not entitled under the law to be enrolled
as a citizen of the Cherokee nation by intermarriage.

Respectfully submitted,

J. C. S.

W W Hastings
Attorney for the Cherokee nation. *JCS*

W. S. & P. ROBERT L. HEN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of Malinda King for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Parker O. and Francis King, as citizens by blood of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Malinda Seabolt is my present name.
Q What is your age? A Thirty-seven.
Q What is your postoffice? A Long.
Q Are you a Cherokee citizen? A Not by blood.
Q Are you a citizen by intermarriage of the Cherokee Nation? A Yes sir, I reckon.
Q Did you apply for enrollment as Malinda King? A Yes sir.
Q You are a white woman are you? A Yes sir.
Q What was the name of the husband through whom you claimed your citizenship? A Jeff King.
Q Was he a Cherokee by blood? A Yes sir.
Q When were you married to Jeff King? A In '83.
Q Was he your first husband? A Yes sir.
Q Were you his first wife? A No sir.
Q He had been married before? A Yes sir.
Q Was his first wife dead when you married him? A Yes sir.
Q Had you ever been married before, you say? A No sir.
Q That was your first marriage? A Yes sir.
Q How long did you live with Jeff King? A I lived with him between five and six years.
Q Continuously, never separated during those six years? A No sir, about five years I guess, between five and six years.
Q Did he die? A Yes sir.
Q So that you lived with him from the time of your marriage up until the time of his death? A No sir.
Q Were you separated from him? A Yes sir.
Q After living with him five or six years you were separated? A Yes sir.
Q What was the cause of that separation? A I don't know hardly what.
Q Did he leave you or you leave him? A He left me and taken another woman.
Q Have you been divorced? A Yes sir.
Q Who sued for the divorce? A He did.
Q When was that divorce granted? A I couldn't tell you; I have a copy of it here with me.
Q Has that ever been filed with the Commission? A Yes sir.
Q Your maiden name was Malinda Hill was it? A Yes sir.
Q Now you and your husband were divorced on the 18th day of May, 1891, is that right? A I reckon it is, I don't know whether it was or not.
Q Did you ever give your husband any cause to leave you? A No sir.
Q Have you married since your divorce from Mr. King? A Yes sir.
Q Who have you married? A Bean Seabolt.
Q When did you marry Mr. Seabolt, do you remember? A I can't just tell what day.
Q What year? A In 1900 I think it was.
Q Two years ago? A Yes sir.
Q It was after you made application for your enrollment? A Yes sir.

2- Malinda King et al.

Q Is Bean Seabolt a Cherokee by blood? A Yes sir.
Q Are you living with him now? A Yes sir.
Q Did you have any children by your first husband, Jeff King? A Yes sir.
Q How many? A Two.
Q Parker G. and Francois? A Yes sir.
Q Are they living? A Yes sir.
Q They have lived in the Cherokee Nation all their lives have they? A Yes sir.
Q Is your husband Bean Seabolt living? A Yes sir.
Q Have you any children by him? A One.
Q What is its name? A Ora Seabolt.
Q Is that child living now? A Yes sir.
Q Are your three children living with you and your husband, Bean Seabolt? A No sir, the girl is married.
Q Francois is married? A Yes sir.
Q The other two are living with you? A The baby stays with me and the oldest one stays with me the biggest part of the time.
Q You say you and your husband Bean Seabolt are living together? A Yes sir.
Q Bean Seabolt is your second husband? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of November, 1902.

B. C. Jones
Notary Public.

ATTORNEYS:

L. B. BELL.

W. W. HASTINGS.

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: **D. 1006**

Muskogee, I. T., Jan. 28, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please send us a certified copy of the Act of the National Council approved December 31st, 1901, making an appropriation for persons among whom, appears the name of Hester Ann Moten for \$13.70 each. This act contains among other things the following provision:- "Be it ~~enacted~~ further enacted; that the names of all persons appearing upon the per capita rolls in this act shall be placed upon the authenticated roll of 1880 by the Principal Chief."

Please send us a very careful copy of the entire act duly certified.

Yours truly,

J. C. Starr

ATTORNEYS:

I. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, Secy.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. 134.

Muskogee, I. T., Feb 4, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please examine the records of Sequoyah District and send me a copy of the divorce of Jeff King versus Malinda King obtained about ten years ago.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

C. D. 134

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
.....day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the.....day of..... A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

FEB 17 1902

NOTICE!

IN THE MATTER OF the application of Malinda King
for enrollment as Cherokee citizens:

Case No. D 134

To Malinda King, Long, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 18th, 1902, at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 10th day of February, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

NEVER IN REPLY TO THE FOLLOWING

D-134.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

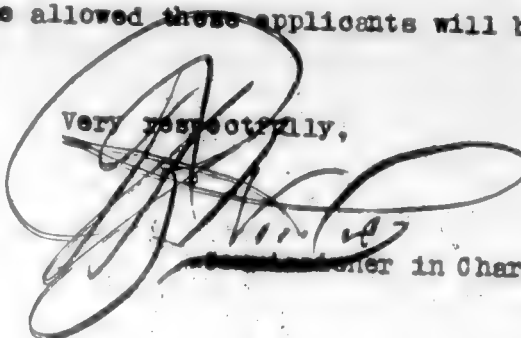
W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Malinda King et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Secretary in Charge.

Enc. D-134.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D-134
D-959

Muskogee, Indian Territory, July 31, 1902.

Mr. W. W. Hastings,


Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, granting the application of Malinda King for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her three minor children, Parker C. King, Francis King and Ora Seabolt as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 18th day of July, 1902.

Respectfully,



Acting Chairman.

CHEROKEE

20134

Malinda King et al

Transferred to Cherokee 9462.

Cher D135

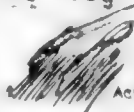
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOBILE, I. T., AUGUST 16th, 1900.

IN THE MATTER OF THE APPLICATION OF Terrall Henson for his four children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. B. Breakinridge, testified as follows:

- Q What is your name? A Terrall Henson.
Q What is your age? A Going on twenty six.
Q What is your Postoffice? A Aldins.
Q What is your District? A Begtoyah.
Q For whom do you make application for enrollment?
A Four children.
Q Are these children your own children? A No sir.
Q Are they kin to you? A Yes sir.
Q What kin are they to you? A They are my sister's children.
Q Is your sister dead? A Yes sir.
Q Is their father dead? A Not that I know of.
Q Are the circumstances such that you can not rely on their father to look after their ~~business~~ interests? A Yes sir.
Q Are these children Cherokees by blood? A Yes sir.
Q Through your sister? A Yes sir.
Q What is the name of their mother? A Alice Henson.
Q Alice Henson was her maiden name was it? A Yes sir.
Q What was her name at the time she died? A Alice Avant.
Q How long has their mother been dead? A Been dead about a year; a little over a year.
Q When did she take the name of Avant? A I can not tell exactly.
It has been eight or nine years.
Q Before that, she was a Henson, was she? A She was a McCoy.
Q At the time of her death, she was named Avant, was she?
A Yes sir.
Q What was her name before it was Avant? A McCoy.
Q What was her name before it was McCoy? A Henson.
Q That is the order of her name then? A Yes sir.
Q How old was she when she died? A About thirty nine, I reckon.
Q How long was she called Avant? A Seven or eight years, I reckon.
Q How long was she called McCoy? A About a year, I reckon.
Q Is she on the roll of 1860? A I can not tell you, I think she is.
Q You are on the roll of 1860? A Yes sir.
Q Give me the names of these children? A The oldest one is named Etta McCoy.
Q How old is that child? A She is about fourteen I reckon.
Q What is the name of the next child? A Linda, Dottie Linda.
Q How old is Dottie Linda? A She is about ten or eleven I guess.
Q What is the name of the next child? A ~~Matilda~~
A Matilda Avant.
Q How old is that child? A She is about six years old I guess.
Q What is the name of the next child? A Artie Avant.
Q How old is that child? A She is about five I reckon.
Q Is she on the census roll of 1860? A I think so.
Q Was your sister a Henson in 1860? A I can not say whether she was or not.
Q Are these children all living at this time? A Yes sir., I think so.
Q Do you say you think they are living, or do you know they are living? A They are living.
Q What is the name of your sister's mother? Margaret Henson.
Q What is the name of her father? A Tom Henson.
Q Is her mother living? A No sir.
Q Is her father living? A No sir.
Q Is her mother a Cherokee by blood? A No sir.
Q Is her father a Cherokee by blood? A Yes sir.

Q Did her father die before 1880? A He has been dead about four years, I reckon.

Q Four years? A Yes sir.

Q How long has her mother been dead? A About three I guess.

By Mr. W. T. Rutland, Cherokee Representative:

Q Did you not have a sister named Josie? A Yes sir.

Q You had a sister named Artie? A Yes sir.

Q Your sister Artie would be just thirty nine, would she not, or twenty nine; your mother was but thirty two when the 1880 roll was made, was she not? A I do not remember.

By the Commission:

Alice Avants, identified on the roll of 1894, Page 931, #15, as Alice Avance, Sequoyah District)

Etta Avants identified on the roll of 1894, Page 931, #16, Etta Avance, Sequoyah District)

(Dottie Avants identified on the roll of 1894, Page 931, #17, as Dottie Avance, Sequoyah District)

Q Your sisters family was admitted to citizenship by the Cherokee authorities in 1870, or 1871, were they not? A I think so, I do not know.

Q Do you understand that your father and mother were admitted at that time? A No sir; I do not know whether they were or not.

In the application for the four children, whose names are given as Etta McCoy, Dottie Lands, Matilda Avants and Artie Avants, the mother is said to be a native Cherokee, and her age, if she were living at this time would be about forty years; she is shown to have been dead something over one year; a little over one year; the mother is not found on the roll of 1880, nor on the roll of 1896, but she is identified on the roll of 1894 as Alice Avance. It is thought that this mother belongs to the family of Avants who were admitted to citizenship by the Cherokee courts or Commission on citizenship, in or about the year 1871. The mother of these children is shown by the evidence of what would be her age if she were now living, to be in the certificate of admission of that date. That can not be consulted at this time; and hence, it is at present left, so far as this is concerned, undetermined whether her omission from the roll of 1880 was a matter of design or neglect. It can not therefore be determined now whether she is rightfully of Cherokee blood. Her children are by different fathers, and no claim is made for them through their fathers, or by reason of any form of marriage between their mother and their fathers. ~~There is no claim made for them through their fathers, or by reason of any form of marriage between their mother and their fathers.~~ The first child, Etta McCoy is identified on the roll of 1894, as Etta Avance, and she is also identified on the roll of 1896. The second child, Dottie Lands is identified on the roll of 1894 as Dottie Avance, and she is identified on the roll of 1896. The other two children, Matilda and Artie Avants are not identified on any roll, although the oldest of these two is probably of an age to have been on the roll of 1894, and both are of an age to have been on the roll of 1896. The claim of these children, begun in the obscurity of their mothers claim is left in great uncertainty, and all the names now applied for will be placed on a doubtful card.

Jurisdiction is claimed in regard to these two younger children, upon the theory that, if they are Cherokee citizens, they are so by birth, and they are given the benefit of whatever doubt there may be in assigning them to the present classification.

R. B. Greaves, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing

case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

P. P. Graves

Sworn to and subscribed before
me this 24th day of August, 1900.

[Signature]

COMMISSIONER.

0135

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 25 1900



ACTING CHAIRMAN

James D. East
[Signature]
AUG 25 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 17, 1900.

D. 135.

In the matter of the application for the enrollment of Etta M. McCoy et al.

Additional testimony.

William C. P. Edwards, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William C. P. Edwards.
Q How old are you? A 42.
Q What is your post office address? A Maple Springs.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir, I am not.
Q Your present letters of guardianship here and apply for the enrollment of Etta F. McCoy and Dotta McCoy, do you? A Yes, sir.
Q What is the age of Etta F. McCoy? A 13.
Q What is the age of Dotta McCoy? A Ten.
Q In what district do they live? A In Sequoyah.
Q How long have they been living in Sequoyah? A I can't tell you, but I expect all their lives, I have been acquainted with them 8 years.
Q What is their father's name? A Robert McCoy.
Q Is he living? A Not that I know of.
Q What is the mother's name? A To-day she goes by the name of Alice Avants.
Q Is she living? A No, sir, she is dead.
Q What was her mother's name? A I really can't tell you her name, her father's name was Tom Henson.
Q Was he a citizen? A Yes, sir.
Q Is he living? A No, sir.
Q Do you know what the name of the mother of these children was in 1880, 20 years ago? A I don't, I reckon it was Henson.
(Roll of 1880 examined and name of the mother not found thereon; not found on 1896 roll.)
Q What was her name four years ago? A Avants.
Q Did these children always go by the name of McCoy? A Now her family and people around here, people not acquainted with them, call them Avants.
Q Did they draw the strip money? A Yes, sir.
Q By what name? A I don't know whether it was by the name of Avants or McCoy.
Mr. W. W. Bastine, representative of the Cherokee Nation: How long have you been keeping these children? A These papers here will tell you.
Q How long have you had these children? A Since about the first of last October.
Q You have been a claimant to citizenship in the Cherokee Nation? A Yes, sir.
Q And you have been rejected? A I suppose so.
Q And you own a farm in the Cherokee Nation? A I don't own a farm.
Q You did own a farm? A I had a patch.
Q And how you have got these children in order to hold this land in these children's name? A I sold this land to these children's people, to their mother, and her stepfather turned the land over to them, they couldn't pay me for it when I sold it to them and I was to keep it and give them so much a year for the place.
Q How long was you to keep it? A I was to keep it four years.

Commissioner Needles: Upon an examination of the record, it is found that Etta F. McCoy and Dotta McCoy were duly enrolled upon a doubtful card on the 18th of August, 1900. These children have already been so enrolled, and it doesn't make any difference who enrolled them, the custody of the children is between you and the person that has got them.

Atta P. McCoy

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 25th day of August, 1900.

Bruce C. Jones
[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Ettes McCoy and others
for enrollment as citizens of the Cherokee Nation.

On the 4th day of February, 1902, Terrell Henson, the uncle of the applicant in this case, was notified by registered letter that this case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting this application. He was also requested to furnish the Commission with satisfactory proof as to the birth of Matilda Avant and Artie Avant. He has been called three times, and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

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Not in office

This is a copy of the original
document and is not to be used as evidence

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V. LLOYD BLAIR.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 27, 1903.

In the matter of the application for the enrollment of Ettes McCoy and her half-sisters and half-brothers, Dottie Lands, Matilda, Artie, George T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

RICHARD HENSON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Richard Henson.
Q How old are you? A I was born in '65.
Q What is your postoffice address? A Claremore.
Q Are you enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.
Q Do you know this man, James Avant? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Her name was Alice; if she had any other name I didn't know it.
Q Was she married before he married her? A Yes sir; had one child.
Q How many times? A One time.
Q What was the name of her first husband? A I don't know his name cause they were living in Flint District.
Q What was her maiden name? A Alice Henson was her maiden name. She was an own cousin to me; we were brothers' children.
Q When you were both children did you live near each other?
A Yes sir, went to school together.
Q Is Alice Avant living now? A No sir, she's dead.
Q When did she die? A I don't know, sir; I think in Cooweescoowee District, ---I don't know when she died.
Q About how old would she be if she were living now? A I think she's a couple, two or three years older than I am, I don't know.
Q That would make her about 40 years old now? A Yes sir, she would have been about 40 years old I think.
Q Was she a Cherokee by blood? A Yes sir, always claimed to be.
Q Is she on the '80 roll? A I couldn't tell you whether she is or not.
Q Do you know any reason why she should not be? A No sir, I don't.
Q What was her father's name? A Tom.
Q Was he a Cherokee by blood? A Yes sir.
Q What was her mother's name? A Always called her Licks.
Q Was she a white woman? A Yes sir.
Q Was Alice the oldest one in the family? A Yes sir.
Q Did she have a brother named Alleck? A None that I know of.
Q Did you know the family very well? A Yes sir, I was raised with them.

- Q What is the next child to Alice? A Jim.
Q What was the next one to Jim? A Jack.
Q The next one to Jack? A Artie.
Q And you say there was no Alleck in that family? A None that I know of.
Q And Alice was the oldest one in the family? A Yes sir.
Q Older than Jim? A Yes sir.

COMMISSION: The 1880 authenticated roll of citizens of the Cherokee Nation examined and Alice Avant identified thereon, page 371, number 632, as Alleck Henson, native Cherokee, 15 years of age, sex M.

- Q Did Alice Henson live in the Cherokee Nation as long as you knew her? A Yes sir.
Q Did you know her up to the time of her death? A No sir.
Q Up to what year did you know her? A Up to a year or two before her death.
Q Did you know any of her children? A Yes sir, I knew the oldest one.
Q You didn't know any but the oldest child? A No sir.

JAMES THOMAS AVANT, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A James Thomas Avant.
Q How old are you? A I am 38 going on 38.
Q What is your postoffice address? A Vian.
Q Are you enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.
Q Where did you apply for enrollment? A I have not applied; I was aiming to.
Q Are you on the 1896 roll? A No not here, I was in the Choctaw Nation the time the '96 roll was made.
Q Are you enrolled in the Choctaw Nation? A Yes sir.
Q You don't claim to be a Cherokee by blood, do you? A No sir.
Q How do you expect to be enrolled as a Cherokee ~~and transfer~~ when you are enrolled as a Choctaw? A I was aiming to transfer if I could; parties has told me they have; I allowed to enroll here with my children.
Q Have you got some children who are enrolled as Cherokees?
A Yes sir.
Q What are their names? A Thomas Avant.
Q Is his name George Thomas? A George Washington Thomas, named him after his grandfather.
Q How old is he? A He will be 11 years old the last day of September.
Q What is the next one's name? A Mary Matilda.
Q How old is she? A She was born in '94.
Q What is the next one's name? A Artie May.
Q How old is she? A She was born in March, '96.
Q What is the next one? A Trey Melvine.
Q How old is he? A He was born in '98.
Q Are all of these children living now? A Yes sir.
Q Are any of these children enrolled in the Choctaw Nation?
A No sir.
Q Did you ever apply to have any of them enrolled down there?
A No, I was talking to some of them and they allowed they couldn't on account of their being Cherokees and being raised here. I never did try.

- Q Are any of these children on the Choctaw rolls with you?
A No sir.
- Q Did they ever draw any money in the Choctaw Nation?
A No, they drew their money here, my children did.
- Q And you claim that you have never applied to this Commission to have them enrolled as citizens of the Choctaw Nation?
A No sir.
- Q Who is the mother of these children? A Alice Henson.
Q Is she living now? A No sir, she's dead.
Q When did she die? A 16th of September, '99.
Q Was her name Alice Avant when she died? A Yes sir.
Q Was she a Cherokee by blood? A Yes sir.
Q Is her name on the 1880 roll? A I suppose it was; she had told me she never missed her enrollment.
Q Was she married before you married her? Yes sir.
Q Did she have any children? A Yes sir.
Q What was the name of the oldest one? A Ettea Florence McCoy.
Q Was she married to a man named McCoy at one time? A Yes sir.
Q Have a child named Dottie Lands? A Yes sir.
Q Are both of these children living now? A Yes sir.
Q Have these two children I just asked you about and your four children lived all their lives in the Cherokee Nation?
A Yes; they don't know anywhere else only the Cherokee Nation.
Q They never lived with anybody outside of the nation? A No sir.
Q Are they all living here now? A Yes sir.
Q Who does Ettea Florence live with? A She married.
Q What is her name now? A Marshall.
Q When was she married? A She was married in 1902.
Q What day? A Well, I don't remember.
Q Was it before the first of September? A Yes sir, it was in July sometime, along about the last of July.
Q Is she living in the Cherokee Nation now with her husband?
A Yes sir.
- Q Who does Dottie Lands live with? A She is staying ~~with her~~ here now, with her sister.
- Q Where are your four children? A They are on the home place.
Q Do they live with you? A No, they are living with an old gentleman; I give him the rent of the place to keep them until I am situated so I can take them.
Q What is his name? A McLaughlin.
Q What is his postoffice address? A Maple.
Q What is Mrs. Marshall's postoffice address? A Hanson; lives in Hanson.
- Q Where have you lived since you were married? A Mostly in Sequoyah District.
- Q Did you ever live out of the Cherokee Nation? A No sir.
- Q You lived in the Choctaw Nation? A Not since I married this woman.
- Q Where were you in 1896 when the roll was made? A I expect I was in Muskogee.
- Q Did they have you over there against your will? A Yes sir.
- Q Did the mother of these children ever live out of the Cherokee Nation? A No sir.
- Q She lived here all of her life, did she? A Yes sir.
- Q And was living here when she died? A Yes sir.
- Q Why wasn't she enrolled in 1896? A Why, she was sick and could not get ~~xxxx~~ there.
- Q Is that why these two oldest children of yours were not enrolled? A Yes sir.

- Q None of your children were enrolled in the Cherokee Nation then, were they?
- A The oldest one, Tommie. I enrolled them all here before the Dawes Commission in 1900.
- Q Tommie, that is George W. T., is it not?
- A Yes sir.
- Q How did he happen to get on the '96 roll and the others didn't?
- A He didn't get on the '96 roll, he was on the '94 roll; when the '96 roll was taken my wife she was sick, was not able to get there.
- Q None of your family got on the '96 roll? A No sir.
- Q In the affidavit filed with this Commission as to the birth of your youngest child, his name appears as Troy Avant; is his correct name Troy or Troy M.?
- A Troy Malvin.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of July, 1903.

Samuel Foreman

Notary Public.

jac

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ettea F. Marshall, formerly McCoy, Dottie Lands, Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation:

DECISION

The record in this case shows that on August 16, 1900, Terrell Henson appeared before the Commission at Muldrow, Indian Territory, and made personal application for the enrollment of Ettea F. McCoy, Dottie Lands, Mary M. Avant and Artie M. Avant, as citizens by blood of the Cherokee Nation. On December 3, 1900, James T. Avant appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of all the children for whom the said Terrell Henson had made application and in addition thereto made application for the enrollment of George W. T. Avant and Troy M. Avant, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muldrow, Indian Territory, on August 17, 1900, and at Tahlequah, Indian Territory, on July 27, 1903.

The evidence shows that all of the applicants herein are the minor children of Alice Avant, deceased, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the applicant, Ettea F. McCoy, was married in July, 1902, to one Marshall. The said Ettea F. Marshall, Dottie Lands and George W. T. Avant are all duly identified on the 1894 Strip payment roll of the Cherokee Nation as native Cherokees. All the other applicants herein are duly identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that all of said applicants herein were born and have always resided in the Cherokee Nation.

Cherokee D #135

It is, therefore, the opinion of this Commission that the said Etta F. Marshall, formerly McCoy, Dottie Landa, Mary M. Avant, Artie M. Avant, George W. T. Avant and Troy M. Avant should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby

Chairman.

(SIGNED).

T. B. Needles

Commissioner.

(SIGNED).

O. R. Breckinridge

Commissioner.

(SIGNED).

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

this OCT 22 1903

mds

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-135.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 23, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application for the enrollment of Ettea F. Marshall, Dottie Lands, Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-11

Commissioner in Charge.

4135
Held for evidence
IN THE MATTER OF THE APPLICATION OF

myself
John Mc Donnell

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony. August 16, 1900
- B. Mem^o of application. " 16, 1900
- C. Additional testimony. " 17, 1900
- D. Notice of final consideration
- Order closing testimony, Feb. 18, 1902

Cancelled and transferred
to Cherokee

See Cherokee jacket 1500

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULBERRY, I.T.: AUGUST 16, 1900.

In the matter of the application of George Russell for enrollment of himself and wife as citizens of the Cherokee Nation, said Russell being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A George Russell.
Q Your age? A 20.
Q Your residence? A Doon.
Q Are you an acknowledged citizen of the Cherokee nation? A Yes.
Q By blood? A Yes.
Q What proportion of blood do you claim? A Half.
Q What district do you live? A Sequoyah.
Q How long have you lived there? A Born and raised there.
Q For whom do you apply? A Myself and wife.
Q What is your father's name? A Andrew Russell.
Q Is he living? A Yes.
Q What is your mother's name? A Polly Russell.
Q Is she living? A Yes.
Q What is your wife's name? A Minnie Holson.
Q Is she a Cherokee? A Yes.
Q Is her name upon the rolls of the Cherokee Nation? A Yes.
Q What was her father's name? A Holson.
Q Is he living? A Yes.
Q Is he a Cherokee? A No sir, Choctaw.
Q What was her mother's name? A Saline.
Q Is she living? A Yes.
Q Is she a Cherokee? A Yes.
Q When did you marry? A '98.
Q Have you certificate of marriage? A Yes.
Q What are the names of your children? A I have none.

Applicant's father on '80 roll, page 715, number 1036, as Andrew Russell.

Applicant's mother's name on '80 roll, page 715, number 1039, as Polly Russell.

Applicant on '96 roll, page 1094, number 1200.

Applicant's wife on '96 roll as Minnie L. Holson, page 1073, number 673.

On '94 roll, page 904, number 720, as Minnie Holston.

The name of George Russell appearing upon the census roll of '96 and the name of his father and mother- his father's name was Andrew Russell and his mother's name was Polly Russell- appearing upon the authenticated roll of '80, and he being identified as a lineal descendant of said Andrew and Polly Russell, and making satisfactory proof of his residence, will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

The name of his wife, Minnie Russell, nee Minnie Holson, appears upon the census roll of '96 and the pay-roll of '94, but the names of her father and mother are not found upon the pay-roll of '80 and some doubts have arisen as to the ~~xxxxxxx~~ citizenship of her father and mother, and he presents a marriage license and certificate certifying that the said George Russell was married to Miss Minnie Holson according to the laws of the United States on the 22nd day of November '98, consequently final judgment as to the application for enrollment of his wife, Minnie Holson, will be suspended and her name will be placed upon a white or doubtful card.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above named case, and that the foregoing is a full, true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this 16th day of September, 1900.

[Signature]
Commissioner.

20136

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

not on file

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. October 7, 1901.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Minnie Russell. Minnie Russell being first duly sworn by Acting Chairman Pixby, testified as follows:

Examination by the Commission.

Q What is your name? A Minnie Russell.
Q How old are you? A Twenty.
Q What is your postoffice address? A Gena.
Q Where is that? A In the Sequoyah District,
Q Cherokee Nation? A Yes sir.
Q Indian Territory? A Yes sir.
Q Is that right? A Yes sir.
Q Do you live in the Cherokee Nation, Indian Territory?
A Yes sir.
Q How long have you lived there? A Nine years.
Q Where did you live before that? A Lived in the Choctaw
Nation.
Q Where in the Choctaw Nation? A In Sugar Loaf County.
Q Born in the Choctaw Nation? A Yes sir.
Q And lived there all the time up until you moved to the
Cherokee Nation? A Yes sir.
Q What is your father's name? A Sam Holson.
Q Is your father living? A Yes sir.
Q Where does your father live? A In the Choctaw Nation.
Q Where? A At Wilburton.
Q Is he a Choctaw Indian? A Yes sir.
Q How much Choctaw Indian? A Full blood he says. I don't
know.
Q What is his wife's name? A The one he's got now
Yes. A Her name was Ara.
Q How long has he been married to her? A I don't know.
Q About how long do you know? A About six years I guess.
Q Is her given name Texanna? A That's her name, Texanna.
Q Have they any children? A Yes sir.
Q Do you know what their names are? A One of them is
named Charley I think and the other one James.

The name of this applicant's father is found upon the records of the Commission on Choctaw roll card No. 3047 as Sampson Holson.

Q What is your mother's name? A Ballie.
Q Ballie Holson? A Yes sir.
Q Is your mother living? A Yes sir.
Q Is your mother a Choctaw citizen? A No sir she is a
Cherokee.
Q Has she ever been enrolled as a citizen of the Cherokee
Nation? A She tried to. I don't know whether she got on or not.
Q When? A Last year, I think.
Q Before this Commission - before the Dawes Commission? A
Yes sir.
Q Do you know where? A She went to Tahlequah, I think.
Q When was Sam Holson and your mother married? A I don't
know.
Q Was the first time Sampson Holson ever married when he
married your mother? A Yes sir.
Q Do you know about when that was? A No sir.

Winnie Russell 2..

Q Was your mother ever married before she married Sampson Nelson? A No sir.

Q How long did they live together as man and wife? A I couldn't tell you that either.

Q When did they separate? A Well, when we moved out here and that has been nine years ago.

Reference is made to the testimony of Sampson Nelson in the matter of the application for the enrollment of his children, Ida May, Lula Bell, William Henry Harrison and Sampson Henry Noel Nelson, as citizens by blood of the Choctaw Nation, made at Muskogee, Indian Territory, October 2nd, 1901.

Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know.

Q Did you ever draw any money as a citizen of the Choctaw Nation? A Yes sir.

Q When? A The same year we came out here. We got money from there then.

Q How much money did you get? A A hundred and fifty, a piece I think. One hundred and fifteen it was.

The name of this applicant is found upon the 1893 pay roll of the citizens of the Choctaw Nation, Sugar Loaf County, as Winnie Nelson, page 32, Number 330, as a beneficiary sharing in the Least District Payment of citizens by blood of the Choctaw Nation.

Q At the time this payment was made to you and your brothers and sisters and your father, was it after your father and mother had separated? A Yes sir.

Q You were living in the Cherokee Nation at that time?

A Yes sir.

Q That was nine years ago - about eight years ago? A Yes sir.

Q Have you ever received any money since that time from the Cherokee Nation? A I don't know whether I did or not.

Q Did your mother ever draw any money for you as a citizen of the Cherokee Nation? A Yes sir.

Q Did your mother draw the Cherokee Strip Payment in 1904?

A Yes sir.

Q Draw for you? A Yes sir for all of us.

Q As citizens of the Cherokee Nation? A Yes sir.

Q Were you enrolled in 1893 as a citizen of the Cherokee Nation when they made the census there? A I guess I was. I don't remember.

Q When were you married? A Year before last.

Q What is your husband's name? A George Russell.

Q Is he a citizen of the Cherokee Nation? A Yes sir.

Q Did he ever apply to the Dawes Commission to have you enrolled as a citizen of the Cherokee Nation? A Yes sir.

Q When? A Last year.

Q Where? A Midway.

George Russell, being duly sworn by Acting Chairman Bixby as a witness in this case, testified as follows:

Q What is your name? A George Russell.

Q How old are you? A I am twenty one.

Q What is your post-office address? A Gans, Indian Territory.

Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.

Q Are you the husband of this applicant, Winnie Russell?

Winnie Russell 3

A Yes sir.

Q Have you ever made application to the Commission to the Five Civilized Tribes to have your wife enrolled as a citizen of the Cherokee Nation? A Yes sir. I want to Muldrow and tried to enroll my wife. I enrolled myself and tried to enroll my wife and they said they couldn't put her on the roll.

Q What action did they take? A I think they put her on the doubtful roll. Mrs. Nelson wasn't there and her name was not on the 1880 roll and then her father being a Choctaw, something like that was the reason I think.

Winnie Russell being recalled:

Q It appears from your testimony and from the evidence of your husband, that you have been enrolled as a citizen of both the Cherokee and Choctaw Nations by the tribal authorities of those nations and that your husband has applied for you to be enrolled by this Commission as a citizen of the Cherokee Nation entitled to allotment of lands in that Nation. Is it your purpose now in applying to the Commission to be enrolled as a citizen of the Choctaw Nation? A Yes sir.

Q To elect to be finally enrolled as a citizen of one of those two tribes and to take your allotment as a citizen of either the Choctaw or Cherokee Nation? A Yes sir.

Q The twenty first section of the Act of Congress of June 28, 1906, under which this Commission is empowered to prepare rolls of citizenship of the Five Tribes in the Indian Territory, provides "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights." Now, under this authority of law, in which tribe do you elect to be finally enrolled and receive your allotment of land? A In the Choctaw.

Q In the Choctaw Nation? A Yes sir.

Q You understand that in this election you only signify your desire to be enrolled as a citizen of the Choctaw Nation and that it is not binding on the Commission to so finally enroll you. That is a question to be finally determined. If the Commission finally enrolls you as a citizen by blood of the Choctaw Nation, do you relinquish all your right, title and interest you might have in any manner as a citizen of the Choctaw Nation? A Yes sir.

Q You have no children? A No sir.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 7th day of October, 1901.

[Signature]
Acting Chairman.

✓ 188
IN THE MATTER OF THE APPLICATION OF

Minnie Russell

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony, August 16, 1900
B. Memo of application - " 16, 1900
C. Marriage License and Certificate
Testimony of Oct 1, 1901, from School Land
Director

Cancelled and transferred to R-974.

See jacket No 1507

Cher D 137

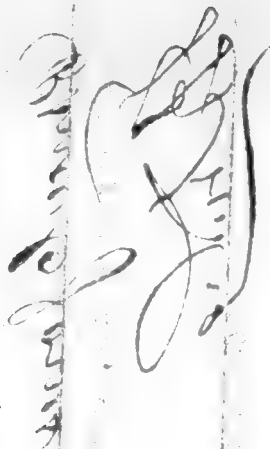
Cher D 137

D 137

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
AUG 25 1900



ACTING CHAIRMAN.



Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 16, 1920.

In the matter of the application of Anderson Seabolt for the enrollment of himself and children as Cherokee by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

- Q What is your full name? A Anderson Seabolt.
Q What is your age? A 28.
Q What is your post office? A Uniontown, Ark.
Q What is your district? A Sequoyah.
Q For whom do you apply to have enrolled, yourself? A Myself and two children.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A 3/4 I guess.
Q How long have you lived in the Cherokee Nation? A I was born and raised there.
Q Have you lived all the time in Sequoyah district? A Yes, sir.
Q You are on the roll of 1880, are you? A Yes, sir, I suppose so.
Q Give me, please, the names of your children? A Susanna.
Q How old is that child? A 8 years old.
Q What is the name of the next one? A Vealie, 3 years old.
Q She is not on the roll of 1880? A I guess not.
Q What was the name of the mother of these children? A Virgie Seabolt.
Q Was Virgie Seabolt a white woman or an Indian? A A white woman.
Q Is she dead? A No, sir.
Q Are you and she living together? A No, sir.
Q Have you a divorce from her? A No, sir.
Q When were you married to her? A In 1885.
Q Were you regularly married to her? A I suppose so.
Q Were you ever married to any other woman? A No, sir.
Q When did you separate from her? A I haven't been separated but about four years.
Q Is this youngest child, Vealie, her child? A Yes, sir, both her children.
Q Was that child born after she left you? A Yes, sir.
Q How long after she left you? A About 6 months.
Q Are these children living with you? A She has got them both.
Q Both of them are living at this time? A Yes, sir.
Q You say you have no marriage certificate of Cherokee license for your marriage? A No, sir.
Q Have you any personal testimony by which you can establish your marriage? A My brother, James Seabolt, is here.

James Seabolt, being sworn and examined by Commissioner Breckenridge, testified as follows:

- Q What is your full name? A James Seabolt.
Q Give your post office? A Uniontown, Ark.
Q Mr. Seabolt, are you the brother of Anderson Seabolt, the applicant here? A Yes, sir.
Q Has he ever been married? A Yes, sir.
Q Has he ever been married more than once? A Only once.
Q What was the given name of the woman he married? A Virgil.
Q Commonly called Virgie? A Well, Virgie.
Q Was she a white woman, wasn't she? A Yes, sir.
Q In what year were they married? A In 1885 or 1886, I don't recollect.
Q Were you present at the wedding? A Yes, sir.
Q How old is their oldest child? A I don't know, sir.
Q Is it as old as five or six? A It may be about that, I don't know.
Q Do you know these children were born to them while they were living in a married state? A The first child was born when they

Anderson Seabolt - 2.

were living together, before they separated.

Q How many children have they had altogether? A Three.

Q One dead? A Yes, sir.

Q Is the oldest one still living? A Yes, sir, the other two was twins and one died.

Q How long after their marriage before any of the children were born? A I can't say.

Anderson Seabolt, recalled, testified:

Mr. W. T. Hutchings, attorney for the Cherokee Nation: How many were born before you were married? A None were born before we were married.

Commissioner Breckenridge: Was your marriage before the roll of 1894 was made out for the strip payment? A I have got a mighty poor recollection.

Mr. Hutchings: Where were you married, in Sequoyah district?

A Yes, sir.

Q Wasn't your license recorded in Sequoyah district? A No, sir, I didn't have them recorded at all.

James Seabolt, recalled, testified as follows:

Commissioner Breckenridge: Do you remember as a matter of fact whether any of their children were born before their marriage?

A No, sir, none of them were born before they married.

Q Do you recollect whether any of them were born very soon after their marriage? A They wasn't any born right soon after their marriage.

Q And it is four or five years since they have been married?

A I said five or six years.

Q He testifies now he has got a child six years old? A I think it was before the strip payment, I recollect that much, but how long before that I can't say, it was before that that he was already married to this girl, at the strip payment.

Q Did he draw strip money for any of the children? A No, sir.

Anderson Seabolt, recalled, testified:

Commissioner Breckenridge: Who married you? A Parson Daley.

Q What is his full name? A I can't tell you.

Q Where is he living now? A I can't tell you that, he is a Baptist minister is all I know about him; ~~that's all I know about him~~

Q There are people living who were at your wedding, are there not?

A None here on the ground.

Q Are there not plenty of people who know when you and your wife began to live together as husband and wife? A I don't suppose any of them are.

Q What was the name of your father? A Joseph.

Q What is the name of your mother? A Nancy.

Q Is your father living? A No, sir.

Q Was he a white man or an Indian? A He was an Indian.

Q When did he die? A He has been dead about ten years.

Q Was your mother a white woman or an Indian? A Indian.

Q Is she living or dead? A She is living.

(On 1880 roll, page 728, No. 1288, Anderson Seabolt, Sequoyah dist.; on 1896 roll, page 1097, No. 1275, Anderson Seabolt, Sequoyah dist. Susanna Seabolt on 1896 roll, page 1193, No. 1433, Susannah Seabolt, Sequoyah district.)

The applicant is identified on the roll of 1880 and 1896, he has lived in the Cherokee Nation all his life, and he will be enrolled as a Cherokee by blood.

In the matter of the application of his two children, Susanna and Vannie, the former child is identified on the roll of 1896; the second child is too young to be upon any roll, and he is desired to supply this commission with a duly authenticated certificate of the

Anderson Seebolt - 3.

birth of this child. Now the mother of these children is a white woman, there is a discrepancy in the evidence relating to the date when this man and his wife began to live together as husband and wife, and it affects the status of these children, or might affect it, at the age given. They separated also, as husband and wife, for a considerable period prior to the birth of the younger child. For the present, judgment will be suspended in regard to the status of these two children, for the further consideration of the testimony, and the application for them will be placed upon a white card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this 24th day of August, 1900.

Bruce G. Jones

[Signature]

Commissioner

RECEIVED
JUL 24 1900
U. S. DEPT. OF JUSTICE
INDIAN DIVISION
WASHINGTON, D. C.

D. 157.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Anderson Seabolt for the enrollment of his two children, Susannah Seabolt and Vessie Seabolt, as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 5, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said day appear before the Commission and introduce any additional testimony affecting said case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

DR

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 137.

ALLISON L. AYLESWORTH
SECRETARY.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, granting the application of Anderson Seabolt for the enrollment of his two minor children, Susanna and Vealie Seabolt, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 20, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

D 1371

IN THE MATTER OF THE APPLICATION OF

Susannah Seabolt et al

FOR ENROLLMENT

CHEROKEE CITIZENS.

A. Original testimony, August No. 1900

B. memo of application. " 16. 1900

C. Notice of final consideration

D. Order closing testimony, Feb. 19, 1902

Birth affidavit, Healer Seabolt.

Sept 8, 1902, [unclear] and
transferred to [unclear] Card
No 952, [unclear]

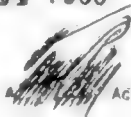
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1900



ACTING CHAIRMAN.

W. B. Brown



Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I. T., August 16, 1900.

In the matter of the application of Hugh E. Hope for the enrollment of himself and two children as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Hugh E. Hope.
Q What is your age? A Forty-nine.
Q What is your post-office address? A Muldrow, I. T.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A No sir, by intermarriage.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah District? A I came here in 1873.
Q Have you been living here since that? A Yes sir.
Q When were you married? A I was married in 1881.
Q Who do you apply for for enrollment? A For myself and two children. My wife is dead.
Q What was your wife's name? A Isabelle Ray.
Q Was she an Indian by blood? A Yes sir.
Q Are her father and mother living? A No sir, they are both dead.
Q Did you live continuously with your wife until her death? A Yes sir.
Q Have you married since? A No sir.
Q What is the date of her death? A She died 5th of November, 1898.
Q Have you any children? A I have two.
Q What are their names? A Maud L., eight years old; Delbert fifteen years old.
Q Are these children alive and living with you at this time?
A Yes sir.
Q How long had you known your wife before you married her? A Not long; they came here from Texas. Her mother had emigrated to Texas during the War, and sometime in 1870 she came back here and was re-admitted by Council, to citizenship, and she left her in Texas with her sister, and she came out from Texas later part of April 1880 I reckon, and hadn't been here long until we was married.
Q What was her mother's name? A Mildred approve, and she married a man named Thomas.
1880 roll examined for applicant's wife, and name not found.
1896 roll page 1073 #695 as Elizabeth Hope, Sequoyah District.
1896 roll page 1114 #84 Hugh E. Hope, Sequoyah District.
1896 roll, children, page 1075 #696 Maud Hope, Sequoyah District.
1896 roll page 1073 #697 Delbert Hope, Sequoyah District.

Com'r Needles: The name of Hugh E. Hope appears upon the census roll of 1896, and he presents the original record of certificate of marriage of Sequoyah District, which shows that a license was granted to him to marry Miss Belle Ray, a Cherokee citizen, and that his marriage was duly solemnized by C. C. Frye, on the 3rd day of October, 1881; the name of his wife, Isabelle Ray, is not found upon the authenticated roll of 1890, but is found upon the census roll of 1896, and the name of his children, Maud L. and Delbert, are found upon the census roll of 1896; the proof of marriage is positive and satisfactory, but no satisfactory proof is presented as to the citizenship of his wife, who is now dead, consequently final judgment as to the enrollment of Hugh E. Hope and his children Maud L. and Delbert, for which he applies, will be suspended, and his name and that of his children, will be placed upon what is known as a doubtful card, and final judgment will be sent to him by mail upon its rendition.

M. D. Green, being first duly sworn, states that as stenographer

Hugh B. Hope et al #2

to the Commissioner and to the Five Civilized Tribes he reported the foregoing and that the above and foregoing is a full true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this 24 day of August 1900.


Commissioner.

COMPTON

1911

COMMISS

FEB

1912

ANTHONY - THAM

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Hugh E. Hope et al to be enrolled as citizens of the Cherokee Nation.

Applicant represented by Broadlove & Bruton, Muldrow, I.T.
Cherokee Nation represented by W. W. Hastings.

Commission: There is offered in evidence a Cherokee marriage license issued by C. O. Frye, Clerk Sequoyah District, Cherokee Nation, on the 3rd day of September, 1881, authorizing the marriage of H. E. Hope and Miss Bell Ray, and a certificate showing that they were united in matrimony by the said C. O. Frye on the 3rd day of October, 1881.

The attorneys for the applicant and the attorneys for the Cherokee Nation submit this case to the Commission for final consideration.

Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hugh E. Hope, et al.
for enrollment as citizens of the Cherokee Nation.

On the 16th day of August, 1900, Hugh E. Hope appeared before the Commission to the Five Civilized Tribes, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his two minor children, Maud L., and Delbert, as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the names of those for whom application was made were placed upon a "Doubtful" card, awaiting evidence of the citizenship of the deceased wife of Hugh E. Hope. Further evidence has been submitted in the case and the following decision is rendered:

D E C I S I O N

--oOo--

From all the evidence of record in this case, it appears that the deceased wife of applicant, was admitted to citizenship in the Cherokee Nation, November 29, 1875, by an Act of the National Council of the Cherokee Nation, which provided, "that the act shall not take effect except as the said persons may remove into the said Nation and permanently located as a citizen thereof."

It appears that his deceased wife removed to the Cherokee Nation about the latter part of 1860, and resided therein until her death in 1898. That the principal applicant herein, was married to his deceased wife October 3, 1881, under authority of a Cherokee marriage license.

The principal applicant is duly identified on the 1896 census roll of the Cherokee Nation, and the name of his deceased wife and his children Maud L. and Delbert, are also found on said roll. He has resided in the Cherokee Nation continuously since

his marriage, and has not remarried since the death of his wife.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress, approved June 28, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and previous Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is considered that Hugh E. Hope is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his children Maud L. and Delbert, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.



Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 138.

Muskogee, Indian Territory, May 21, 1902.

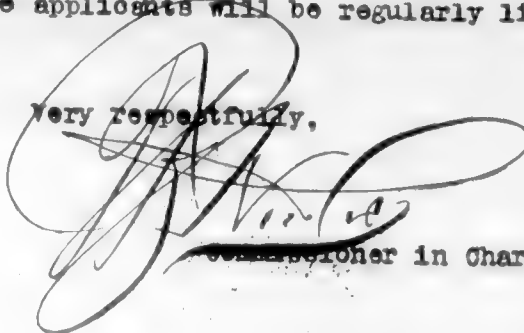
W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Hugh E. Hope et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Enc. D-138.

IN THE MATTER OF THE APPLICATION OF

Amos E. Hoxe et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 16, 1900

B. Mem^e of application - " 16, 1900

C. Entire copy of Act of Re-admission

D. Attorney's receipt of testimony

Notice of final consideration

certified copy of marriage
license & cert.

Supplemental testimony and order
closing testimony 2/19/02

Sept 1, 1902 forwarded
and then to Cherokee
Cass

Enrolled

Cher D 139

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 25 1900



ACTING CHAIRMAN

Received
10/1/00

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 17, 1900.

In the matter of the application of Henry Clay Agent for the enrollment of himself by intermarriage and his wife and two children as Cherokees by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Henry Clay Agent.
Q What is your age? A 36.
Q What is your last office address? A Sallisaw.
Q Are you a recognized citizen of the Cherokee Nation? A I am
by blood?
Q By blood? A No, sir.
Q By intermarriage? A Yes, sir.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah district? A Ten years.
Q Continuously? A Yes, sir.
Q How do you apply? A For myself and wife, and children; I don't know about my wife, we were admitted by your people to the Choctaw Nation and you afterwards refused to enroll us there.
Q Your father and mother are non citizens? A Yes, sir.
Q Are you married? A I am.
Q What is your wife's name? A Annie Gertrude.
Q What is her father's name? A Charles A. Fargo.
Q Her mother's name? A Narcissa Fargo.
Q Are they living? A Mr. Fargo is living, her mother isn't.
Q What children have you got? A Two.
Q What are their names? A Rubio Gertrude, 8 years old.
Q What is the other child's name? A Charley Clay, 6 years old.
Q How old is your wife? A 33.
Q Is your wife a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does her name appear upon the authenticated roll of 1880?
A Yes, sir.
(On 1880 roll, page 696, No. 439, Annie Fargo, Sequoyah district; on 1896 roll, page 1049, No. 28, Annie Agent, Sequoyah district. Clay Agent on 1896 roll, page 1111, No. 4, Sequoyah district.)
Q Have you got a certificate of your marriage? A Yes, sir, I have.
Q Said Henry Clay Agent presents a regular marriage license, is sealed by the Cherokee Nation on the 7th day of February, 1891, under the seal of the Nation, and a certificate of marriage, certifying that he was married to Miss Annie G. Fargo on the 8th of March, 1891, which is in due form and satisfactory. How long has your wife, Annie G. Fargo, resided in the Cherokee Nation? A All our life time.
Q Never resided out? A No, sir; Capt. McKennon failed to place us on the final roll there on account of her being on the 1880 roll of the Cherokee Nation.
Q Why did you apply in the Choctaw Nation? A Simply because I was acquainted with him and I was told here they would have to follow the mother blood in regard to enrollment, and they would have to go there because her mother was a Choctaw; she was here on the roll of 1880 as a Choctaw.
Q She was on the 1880 roll as a Choctaw? A As a Choctaw, or an adopted citizen; she is a sister of Jacobs.
Q You didn't move down there? A No, sir.
(Rubio Gertrude Agent on 1896 roll, page 1049, No. 28, Rubio G. Agent, Sequoyah district. Charley Clay Agent on 1896 roll, page 1049, No. 30, Charlie C. Agent, Sequoyah district.)
Q Are these children alive and living with you? A Yes, sir.
Mr. W.T. Hutchings, attorney for Cherokee Nation: Which one of the Tribes, the Cherokee or the Choctaw, do you desire yourself and family enrolled in? A In the Choctaw, and it is so marked on the Choctaw rolls, or card.

Henry Clay Agent - 2.

The name of Henry G. Agent appears upon the census roll of 1896, and he presents a regular license and certificate, certifying that he was married to Annie G. Fargo in the year 1891; and the name of his wife, Annie G. Fargo, appears upon the authenticated roll of 1890 as Annie G. Fargo and upon the census roll of 1896 as Annie G. Agent; and the name of the children also appearing upon the roll of 1896, and they all being fully identified, and having made satisfactory proof as to their residence; but upon examination of the records of the Dawes Commission in 1896 as to the application for Choctaw citizenship, it is found that the said Annie Agent, Rubie G. Agent and Charlie G. Agent were duly admitted to citizenship by said Commission in the year 1896 as Choctaw citizens, and no appeal was taken therefrom. It also appears from the evidence that the said applicants applied to the Dawes Commission for enrollment under said judgment, and because of the fact being ascertained that she was on the roll of 1890 in the Cherokee Nation, they were placed upon what is known as a doubtful card for future consideration.

Final judgment of the Commission at this time as to the enrollment of these applicants will be suspended, and their names will be placed upon a doubtful card for further consideration by this Commission.

-----0-----

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 24th day of August, 1900.

J. H. C. G.
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NATIONAL ANTI-CORRUPTION BOARD

FILED
JAN 10 1902

ACTING CHAIRMAN

Commission to the Five Civilized Tribes,
South Canadian, Indian Terr.

In the enrollment of Annie G. Agent and two children as Choctaws; Henry G. Agent being sworn and examined by Gen'r McKennon testifies as follows:

- Q What is your name? A Henry G. Agent.
- Q How old are you? A Thirty-five.
- Q Are you the husband of Annie G. Agent? A I am.
- Q And the father of Ruby G., and Charles G. Agent? A Yes sir.
- Q Where are these people living? A In Ballisaw.
- Q That is in the Cherokee Nation? A Yes sir.
- Q How long have they been living there? A Three years.
- Q Where did they come from? A Muldrow, in the Cherokee Nation; they was raised in that District.
- Q Where did they come from to Muldrow? A She was born there on the Cherokee side.
- Q Your wife was born and raised in the Cherokee Nation? A Yes sir.
- Q And the children were born and raised there also? A Yes sir.
- Q Are they enrolled as Cherokees? A Yes sir.
- Q Your wife and children are on the Cherokee rolls? A Yes sir
- My wife is on the roll of 1880, and the children are on the last roll there.

Department of the Interior.
Commission to the Five Civilized Tribes.

I hereby certify, upon my Official oath as stenographer to the above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) H. D. Green.

THE UNIVERSITY OF CHICAGO PRESS

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her minor children, Ruby and Charles C. Agent, and the right of the applicant to elect for herself and her children to be finally so enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior, under the provisions of the twenty first section of the act of Congress of June 26, 1898.

The applicant, Annie G. Agent, is an enrolled and recognized citizen by blood of the Cherokee Nation and her name is found upon the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District, Number 499. Her two children, Ruby G. Agent and Charles C. Agent are also recognized citizens of the Cherokee Tribe of Indians and their names are found upon the 1896 census roll of the citizens of the citizens of the Cherokee Nation, Sequoyah District, Numbers 29 and 30 respectively. Annie G. Agent and her two children have been listed for enrollment by the Commission as citizens of the Cherokee Nation, as has also her husband, Henry C. Agent as a citizen by intermarriage of the Cherokee Nation. The applicant, Annie G. Agent, and her two children, Ruby G. and Charlie C. Agent, were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case 489, from which decision no appeal was taken to the United States Court in Indian Territory within the time prescribed by the provisions of that act.

Annie G. Agent, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name?
Q Yes? A Annie G. Agent.
Q How old are you? A I am thirty three.
Q What is your post office address? A Sallisaw, I.T.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Henry C. Agent.
Q Have you any children? A Yes sir, two.
Q What are their names and ages? A Ruby G. Agent and Charlie C.
Q How old is Ruby? A Ten years old.
Q How old is Charlie? A Eight.
Q You and your children have always been recognized and enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation?
A Yes sir.
Q You participated in the payment of moneys made to the citizens by blood of the Cherokee Nation? A Yes sir.
Q What is your father's name? A Charles A. Fargo.
Q He was a citizen by blood of what tribe of Indians? A Cherokee.
Q What is your mother's name? A Narcissa.
Q She was a citizen by blood of what tribe? A Choctaw.
Q Of the Choctaw? A Yes sir.

- Q Have you or your children ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe? That is, have you ever drawn any money? A No sir, we have never drawn any money; my mother drew money but we never did; never lived there.
- Q You were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, '96, were you not? A Yes sir.
- Q Your two children were admitted with you? A Yes sir.
- Q And there was no appeal taken from that decision of the Commission? A No sir.
- Q It appears from the records that you and your two children, Ruby G. and Charlie C. Agent are recognized citizens of both the Cherokee and the Choctaw Tribes of Indians in Indian Territory. The twenty first section of the act of Congress of June 128, 1898, provides:
- "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he had resided, and there be given such allotment and distributions, and not elsewhere."
- Now under this existing legislation do you elect for yourself and your two minor children to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or Cherokee Nation? A Choctaw I guess.
- Q Well, don't guess. We want to settle this now? A I have always lived up there.
- Q You want to be finally enrolled in which nation? A Choctaw.
- Q In the event that the Commission to the Five Civilized Tribes enrolls you and your two children as citizens of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish upon your part and on behalf of your two children all your right, title and interest in and to the lands and property in the Cherokee Nation? (No answer)
- Q Do you understand that question? A Not exactly.
- Q Now if you are enrolled by the Commission as a citizen of the Choctaw Nation and that enrollment is approved by the Secretary of the Interior do you relinquish all your right, title and interest in and to the lands and property of the Cherokee Tribe of Indians? A Why, of course, I take my selection.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell.

Subscribed and sworn to before me this 20th day of February, 1902.

Wm. H. H. H. H. H.
Notary Public.

LEPA
COMMISSION

UNITED
STATES

FEB 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1908.

In the matter of the application of Henry C. Agent for the enrollment of himself, wife and children as citizens of the Cherokee Nation, D-139.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The said Henry C. Agent, being first duly sworn, testified before the Commission as follows:

- Q What is your name? A Henry C. Agent.
Q Where do you live, Mr. Agent? A Sallisaw.
Q You appeared before this Commission in August, 1900, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife and two children as citizens by blood of the Cherokee Nation? A Yes, sir.
Q Your wife is recognized as a citizen of the Cherokee Nation? A Yes, sir.
Q She was also admitted to citizenship in the Choctaw Nation by this Commission under the provisions of the Act of Congress approved June 10, 1896? A Yes, sir.
Q Did she this day appear before the Commission and elect to have herself and children enrolled as citizens of the Choctaw Nation in the event that it should be found that she was a recognized citizen of both Nations? A Yes, sir.
Q Do you, in behalf of your wife and your two children, relinquish their right to enrollment as citizens of the Cherokee Nation, and elect to have them enrolled as citizens of the Choctaw Nation? A As far as the law goes in that line.
Q You don't withdraw your application for enrollment as a citizen by intermarriage of the Cherokee Nation? A No, sir.
Q Is there any further statement that you desire to make relative to your own application? A Nothing that I think of at present.
Q Do you submit it to this Commission for final consideration? A Yes, sir.

MR. HASTINGS: The Cherokee Nation desires to call attention to the proceedings of the United States Court for the Northern District of the Indian Territory in the case of Will E. Linton et al vs. the Cherokee Nation, the same being court No. 253, and found on page 445, Docket B, Cherokee Citizenship Docket of 1896, wherein the wife of Will E. Linton was recognized as being both part Cherokee and Creek, and with reference to Will E. Linton's application to be enrolled as a citizen of the Cherokee Nation by intermarriage the court said: "If she (his wife) elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen of either the Creek or Cherokee Nation."

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he ~~has~~ reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.

A handwritten signature in dark ink, appearing to be "W. H. ...", written over a horizontal line.

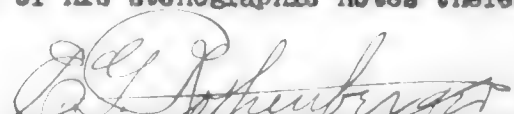
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1903.


In the matter of the application of Henry G. Agent for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie G., and children, Rubie G. and Charles G. Agent, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Henry G. Agent.
Q How old are you? A Thirty-eight.
Q What is your postoffice? A Ballisaw.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship? A Annie G.
Q Is she a Cherokee by blood? A Yes sir.
Q Claims her citizenship in the Cherokee Nation does she? A She allotted in the Choctaw country.
Q She has? A Yes sir.
Q She has been enrolled as a Choctaw citizen has she? A Yes sir.
Q And your children also? A Yes sir.
Q Has she taken her allotment there? A Not yet, she expects to.
Q When were you married to her? A In '91.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Is Annie G. your first wife? A No sir.
Q Who was your first wife? A Alpha Jackson.
Q Was she a white woman? A Yes sir.
Q Is she dead? A Yes sir.
Q Was she dead before you married your present wife, Annie? A Yes sir.
Q Is that the only time you had been married before? A That is all.
Q Had your present wife ever been married before she married you?
A No sir.
Q You her first husband? A Yes sir.
Q How many children have you? A Two.
Q Both living are they? A Yes sir.
Q So you say your wife has elected to take her rights in the Choctaw Nation? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 32nd day of November, 1903.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie G. Agent et al., as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 17, 1900, Henry Clay Agent appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Annie G. Agent, and their minor children, Rubie G. and Charles C. Agent, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, 1902. The application also included the enrollment of Henry Clay Agent as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not embraced in this decision. Proceedings had at South Canadian, Indian Territory, and at Muskogee, Indian Territory, are filed with and made a part of the record herein.

The evidence shows that Annie G., Rubie G. and Charles C. Agent have made application to this Commission for enrollment as citizens by blood of the Choctaw Nation; that they have been enrolled as such by this Commission and their said enrollment has been approved by the Secretary of the Interior on April 11, 1903, on Choctaw roll, opposite numbers 14464, 14465 and 14466 respectively.

Section twenty-eight of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"No person whose names appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie G. Agent, Rubie G. Agent and

Charles C. Agent as citizens by blood of the Cherokee Nation should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

John D. Doby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. J. Ingham.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 10 1904

mdg

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-139.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 10, 1904, rejecting the application of Henry Clay Agent for the enrollment of his wife, Annie G. Agent, and his two minor children, Rubie G. and Charles C. Agent, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Enc. G-29.

Commissioner in Charge.

msg

COMMISSIONERS
JAMES HIXBY
THOMAS H. NEEDLES
R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 139

WM. J. BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1904.

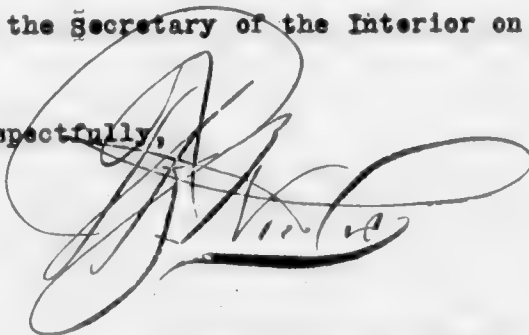
W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

you are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Annie G., Rubie G. and Charles C. Agent as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 20, 1904.

Respectfully,



Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Henry X. Agant & Co

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 17, 1900
- B. Mem^o of application - " 17, 1900
- C. Marriage License and Certificate
- D. Copy of testimony in application as Cherokee
- E. Copy of testimony from Cherokee Dept.
- F. Copy of testimony from Cherokee Dept.
- G. Testimony of Wm. A. Agant, as Cherokee
- H. Supplemental testimony, and order closing testimony Feb 19-1902
- I. Notice by name to Agent to appear before him.
- J. Notice of final consideration
- K. Receipt for testimony.

Oct 19 1907

Cher D 140

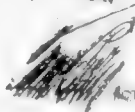
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED

AUG 25 1900

A handwritten signature, possibly "J. H. ...", is written over the typed name "J. H. ...".

ACTING CHAIRMAN

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McInnes

Ch. Beebe

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha E. Vickery, and her minor children, Mary A., Mattie A., Charlotte M., Charles L. and William P. Vickery, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 17, 1900, James N. Vickery appeared before the Commission at Muldrow, Indian Territory, and made personal application for the enrollment of himself and his wife Martha E. Vickery, and his minor children Mary A., Mattie A., Charles L. and William P. Vickery as citizens by blood of the Cherokee Nation. James N. Vickery has been differently classified and is not embraced in this decision.

The evidence shows that Martha E. Vickery is the daughter of Lydia Paget. The records of the Cherokee Nation, in possession of this Commission show that Lydia Paget was admitted to citizenship in the Cherokee Nation on September 25, 1883. Her daughter Martha E. Vickery was then eight years old. Martha E. Vickery is identified on the Strip payment roll of 1894. Her three elder children, Mary A., Mattie A., and Charlotte M. are identified on the Cherokee Census roll of 1896. Charles L. and William P. Vickery are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Martha E. Vickery has resided in the Cherokee Nation since the date of her mother's admission to citizenship, and that all of the applicants herein were residents of said Nation at the date of this application.

It is, therefore, the opinion of this Commission that Martha E. Vickery, Mary A. Vickery, Mattie A. Vickery, Charlotte M. Vickery, Charles L. Vickery and William P. Vickery should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner.

Dated at Muskogee, I. T.

this SEP 20 1902

308

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 140.

ADDRESSED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

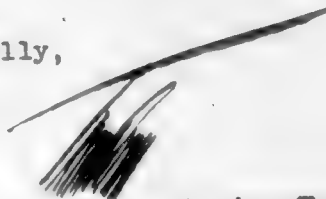
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of James H. Vickery for the enrollment of his wife, Martha E. Vickery, and his five minor children, Mary A., Mattie A., Charlotte M., Charles L. and William P. Vickery, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 68.

D 140

IN THE MATTER OF THE APPLICATION OF

Martha C. Vickery

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 11, 1900

B. Memo of application " 7, 1900

C. Birth affidavit Charles L. Vickery

D. Birth " William P.

Notice of final consideration

Order closing testimony Feb. 18, 1902

~~James H. Vickery~~
~~John A. Vickery~~
~~See Cherokee Jacket~~

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COMMISSION

SEP

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 17, 1900.

In the matter of the application of Lily May Pierson for enrollment of her child, William W. Mayfield, as a citizen of the Cherokee Nation, said Lily May Pierson being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lily May Pierson.
Q Your age? A 26.
Q Your postoffice? A Muldrow.
Q Your district Sequoyah.
Q Who is it you want to have put on the rolls? A My child.
Q What is the child's name? A William W. Mayfield.
Q How old is the child? A 8 years old.
Q You say you are the mother of the child? A Yes.
Q You do not claim ~~xxxxxxx~~ for the child through yourself? you are not a Cherokee? A No sir.
Q What is the name of the child's father? A S. W. Mayfield.
Q Is he dead? A Yes.
Q How long has he been dead? A 3 years.
Q When did you marry him? A I was not married to him.
Q Are you upon any of the rolls of the Cherokee Nation? A No sir, I am not, but I think the child is.
Q At the time you were with him did he have another woman as his wife? A No sir.
Q Did you and he live together? A No sir.
Q You say the child is on the roll of '96? A I think so.
William W. Mayfield on '96 roll, page 1084, number 958,
as Watie.

Q Was the father of this child ever married? A Yes, he has been married since the birth of my child.

On '94 roll, page 972, number 860, as Watie Mayfield, Jr.
Q Did this child's father leave any children by his marriage? A No, he left two by his wife.

Q We never lived with you you state in the married state? A No sir.

Q And hence it is impossible for the child to acquire a legal status.

Q We never held you out in the community as his wife? A No sir.

Q And he died holding another woman out as his wife? A Yes.

Q You never kept house together? A No sir.

Q From what you say the matter seems to be clear that there was no profession by either party as to what is understood as the marriage relation either under Cherokee law or under United States law? A We were engaged to be married and this matter was settled through a compromise.

Q What kind of a compromise-- have you any written evidence? A Yes.

Q Have you anything with you in writing? A No sir. I had the child sworn to him and he supported the child and made provisions in his will for his child just the same as he did the others. He supported my child just the same as he did the others.

In order to further consider the testimony that has been taken relating to this action and any further that may be submitted in regard to the character of the relations existing between S. W. Mayfield, deceased, and the woman who applies for the enrollment of William W. Mayfield, who is her child by S. W. Mayfield, this application will for the present be put upon a doubtful card for further consideration, and whatever decision is finally reached will be communicated to the applicant by mail.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown McQuinn

Subscribed and sworn to before me this 6th day of September,
1900.

A. R. L.

Commissioner.

2111

COMMISSION TO THE ENDOGENIZED TRIBES.

FILED

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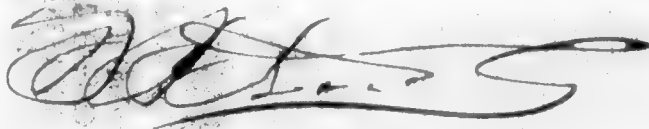
D. 141.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of William W. Mayfield to be enrolled as a citizen of the Cherokee Nation.

Applicant represented by Breedlove & Bruton, Muldrow, I.T.
Cherokee Nation represented by W. W. Hastings.

The attorneys for the applicant request ten days in which to file certified copy of a will. Request has been granted, and as regards the testimony the case is closed.

A handwritten signature in dark ink, appearing to be 'W. W. Hastings', written in a cursive style with a long horizontal flourish extending to the right.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 18, 1903.

In the matter of the application for the enrollment of
WILLIAM W. MAYFIELD, as a citizen by blood of the Cherokee Nation:

WILSON O. BRUTON, being first duly sworn, and examined,
testified as follows:

Examined by the Commission:

- Q State your name ? A Wilson O. Bruton.
Q How old are you ? A I am thirty eight.
Q What is your post office ? A Muldrow.
Q Are you a citizen of the Cherokee Nation ? A I am.
Q Do you know William W. Mayfield, the son of one Lillie M. Pierson ? A Yes sir.
Q Do you know who the father of William W. Mayfield was ?
A Yes sir.
Q State who it was ? A Stan Watie Mayfield had stated he so acknowledged him during his lifetime.
Q The parents of this boy were never married ? A No sir.
Q An illegitimate child ? A An illegitimate child.
Q Do you ever have a talk with Stan Watie Mayfield about this boy ? A Yes sir.
Q What did Stan Watie state with reference to this boy being his ?
A He stated he was his.
Q He acknowledged him to you ? A Yes sir. I was district clerk, I think, at the time, and his mother appeared before me and swore the child as being his, and in talking to Stan Watie about it he acknowledged it.
Q How old is the child now ? A I don't know his exact age, but he is about ten.
Q It is generally understood that this boy is Stan Watie's child ?
A Yes sir.
Q How long have you known Stan Watie ? A We were about the same age; I have known him ever since I could recollect.
Q Was he a Cherokee by blood ? A Yes sir.
Q What district did he live in ? A Sequoyah.
Q Was he living in Sequoyah District in 1880 ? A Yes sir.
Q Do you know how old he was in 1880 ?
A He was about fifteen or sixteen.

An examination of the Cherokee roll of 1880 for Sequoyah District, shows that Stan Watie Mayfield, is identified thereon at page 709, # 852, as a native Cherokee, fifteen years old, under the name of Stan Watie Mayfield.

- Q How long did Stan Watie Mayfield live in the Cherokee Nation after 1880 ? A Up to the time of his death.
Q When did he die ? A I can't remember; when I ran the first time, within a year or two I expect.
Q How many years ago ? A About six or seven years ago.
Q It wasn't very long after the birth of this boy, then, was it ?
A I think the boy was two or three years old then. He married, let me see, after the birth of this child he married his present widow, and they have two children, I think; and he died before the birth of the youngest one, that's my recollection.
Q This boy's mother is a white woman ? A Yes sir.
Q A non-citizen ? A A non-citizen.
Q She is not an applicant to be enrolled at all ? A No sir.

Q William W. Mayfield lived in the Cherokee Nation ever since he was born ? A Yes sir, I think so, he has been living there in Muldrow with his mother and his grandfather and mother Sweets, ever since.

Q Has his mother been a resident of the Cherokee Nation ever since the birth of the boy ? A I think, at one time after her marriage with Pierson, she went out into Arkansas; I really do not know whether they moved; they were gone a very short time.

Q After her marriage with Pierson ? A Yes sir.

Q Is Pierson a non-citizen ? A Yes sir; they went out into Arkansas, but whether they moved out I do not know, they were gone a very short time, a few weeks or something like that.

Q When was that, is that since 1898, or prior to that time ?

A That would be five years ago wouldn't it ?

Q Yes. A I can't say to save my life, but it was right about that time, I think, perhaps, it was the year 1898.

Q You say they were gone but a few weeks ? A Yes sir, not exceeding a month or two anyway; of course I paid no special attention to it. I met them in a wagon, and asked them where they were going, and they said they were going to Arkansas to Pierson's father's. Not very long after that I saw them back. My information is that they really ~~intended~~ intended to make their home at his father's at the time they went over into Arkansas, but they didn't; they come back.

Q Did they have their goods and effects ? A Yes sir.

Q Was the boy with them ? A No sir, I think not. I think he stayed with his grand-parents.

Q But you saw them in the Cherokee Nation again shortly after that did you ? A Yes sir.

Q Have they been residing here since that time ?

A Yes sir, been right there in Muldrow ever since.

Q They didn't tell you at that time, did they, that that was their intention ? A I just met them in the road, and they said they were going out to Mr. Pierson's the old gentleman's, and he was with them.

Q You can't fix that time ? A No sir, I can't, it was a matter that I wasn't interested in at the time, and thought nothing special about it.

Q What is Mr. Pierson's occupation ? A Farming. She is not a Pierson now, her name is Newton. That is, the woman's name is Newton.

Q Pierson and separated ? A Well, I really don't know whether Pierson is dead or whether they are divorced; I haven't seen Pierson. They parted I know.

Q How long has she been a Newton ? A She married Newton about a year ago.

Q This boy has continued to live with his mother right along ?

A Yes sir, and grand-parents; the boy lives with his mother's parents there a good deal of the time in the town of Muldrow. He stays with them about as much as he does with his mother.

Q All you know about their intention in going to Arkansas was what you heard ? A Yes sir.

Q Purely hear-say ? A Yes sir, I never even questioned them about it.

Q What time of the year was it, spring or summer or fall ?

A It was winter as I recollect; I know I was running up some cattle to take care of; I had been out rounding up some cattle that day when I met them in the road.

Q Don't you know what year that was ?

A Let me see, it must have been about 1900, I don't think I had any cattle before that time, I didn't buy any, but I had some few about home. But I know I was down on Garrison creek and expected to find some.

Q That was about the time you met them ? A Yes sir, that's where I met them, down on Garrison creek, when they were going to Arkansas.

Q That was about two years and a half ago ? A Yes sir.

Q Had this boy's mother lived in the Cherokee Nation all the time since the boy's birth up to that time, do you know ?

A Yes sir.

N. G. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. Bagwell
Subscribed and sworn to before me this March 20, 1903.

Samuel Foreman

Notary Public.

Cherokee D-141. *[Handwritten signature]*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. *[Handwritten initials]*

In the matter of the application for the enrollment of
William W. Mayfield as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 17, 1900, Lily May Pierson appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of her minor child, William W. Mayfield, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on February 18, 1903.

The evidence shows that William W. Mayfield is the son of one Stan Watie Mayfield, a Cherokee Indian who is identified on the Cherokee authenticated tribal roll of 1880.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), refers to the Cherokee authenticated roll of 1880 and provides for the enrollment of persons now living whose names are found on said roll, "and all descendants born since the date of said roll to persons whose names are found thereon."

The evidence further shows that the said William W. Mayfield is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896, and that he has lived in the Cherokee Nation continuously since birth up to and including June 28, 1898.

It is, therefore, the opinion of this Commission that William W. Mayfield should be enrolled as a citizen by blood of the Cherokee Nation, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamm T. Tamm

Chairman.

M. Tamm

Commissioner.

W. Tamm

Commissioner.

Stanley

Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-141.

Muskogee, Indian Territory, July 9, 1903.

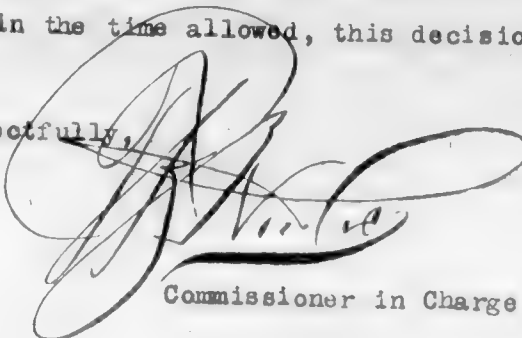
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Lily May Pierson for the enrollment of her minor child, William W. Mayfield, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-28.

D 141

IN THE MATTER OF THE APPLICATION OF

William W. Mayfield

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony: August 17, 1900

B. memo of application: " 19. 1900

Notice of final consideration

Order closing case, Feb. 19, 1902

Transferred to Cherokee 10259

(1) (1/6)

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

CORRECTION

THIS DOCUMENT
HAS BEEN
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TO ASSURE
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO NATIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 20th, 1900.

IN THE MATTER OF THE APPLICATION OF John Harmon, wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Hoodless, as follows:

Q What is your name? A John Harmon.
Q What is your age? A About forty-two.
Q What is your birthplace? A Miami, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A About thirty-three or thirty-four years.
Q Continuously that long? A Yes sir.
Q For whom do you apply for enrollment?
A Myself, wife and children.
Q What is your wife's name? A Margaret Harmon; she was
John Harmon.
Q Is she your mother's name? A Margaret Harmon.
Q Is she living? A No sir.
Q Was she a citizen? A Yes sir.
Q Did she die before 1890? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Margaret Harmon.
Q Is she a citizen by blood? A No sir.
Q When were you married to her? A Nineteen years ago.
Q For father and mother are non-citizens? A Yes sir.
Q Were they not upon the roll of 1890? A No sir.
Q Were any of the witnesses of your marriage? There was a woman here
who was present when I was married.
Q Is she now living? A Yes sir.
Q What is the name of your children, their age, of each?
A Mary Harmon.
Q How old? A Nineteen.
Q Is she living? A Yes sir.
Q Next one?
A That is all.

Q You have one child of 1890, John Harmon.
(Applicant identified on roll of 1890, Page 32, 1890, John Harmon, Canadian District) (I. T. Roll, Page 32, 1890, John Harmon, Canadian District)
(Applicant's wife then identified on roll of 1890, Page 32, 1890, Margaret Harmon, Canadian District)
(I. T. Roll, Page 32, 1890, Margaret Harmon, Canadian District)

By Mr. T. B. Hoodless, Cherokee Commissioner:
Q Were you divorced from Alice Harmon, your former wife?
A We never were married.
Q Were you living with her in 1890? A I do not know.
Q Did you ever live with her? A Yes sir.
Q How long did you live with her? A About seven years.
Q You lived with her, and she was living, and she was
A Yes sir.
Q How many children have you?
A I have one child.

By the Court again:

Q I understood that you lived with Alice Harmon, your former wife, and that she was living in 1890?
A I never enrolled myself in 1890; she enrolled me.
Q What was this first wife of yours before you married her?
A None.
Q Did you ever live with her? A Yes sir.
Q How long did you live with her? A Yes sir.
Q You lived with her then in 1890? A A while, sir.
Q You never got a divorce? A No sir.
Q You never have gotten one up to this day? A No sir.
Q Why did you not get a divorce from your first wife?

A There was no way to get a divorce then; we were not married then, and we could not get a divorce, because I was not married.
Q You know there were Indian Courts at that time? A Yes sir.
Q They were divorcing people, were they not? A They never divorced this kind of people; they never paid any attention to them.
Q You never applied for a divorce, did you? A No sir.
Q The reason you did not apply for a divorce was that you considered that you were not legally married to this woman, and had a right to go and marry whom you pleased? A Yes sir.

The name of John Harmon appears on the authenticated roll of 1880, as well as the census roll of 1896, he being fully identified, and having made proof of his residence, he will be duly listed for enrollment as a Cherokee citizen by blood. He avers that he lived with one, Alice Harmon for about a year, as man and wife, in the year 1879, and that afterwards he separated from her and married Margaret Dupin, a non citizen of the Cherokee Nation; and he avers that he married her under Cherokee law, but presents no certificate of marriage; he also avers that as a result of that marriage with his last wife, he has a child named Mary Harmon, sixteen years old, the names of his last wife, and his child, appearing on the census roll of 1896. He makes no proof of having been divorced from his first wife (The statement in regard to that matter will be found in the testimony). Consequently, the said Margaret Harmon, his second wife, whose name appears on the census roll of 1896, and his child, Mary Harmon, whose name also appears on the census roll of 1896; final judgment will be suspended and their names will be placed on a doubtful card, and he will be permitted to file such evidence in the premises as he may desire; he will also be permitted to file proof as to the legality of his marriage with his second wife, Margaret Harmon.

E. R. Grayson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reports the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

E. R. Grayson

Sworn to and subscribed before
me this 25th day of August, 1900.

W. H. H. H.
COMMISSIONER.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Margaret Harmon for the enrollment of herself and child as citizens of the Cherokee Nation, D-142.

Applicant represented by her husband, John Harmon.
Cherokee Nation represented by W. W. Hastings.

JOHN HARMON, being first duly sworn, testified before the Commission as follows:

Q What is your name? A John Harmon.

Q How old are you? A I don't know my age, I am 45 or 50.

Q Your postoffice address? A Fawn.

MR. HASTINGS: Are you married to your present wife? A Yes, sir.

Q Who married you? A Judge Woodall.

Q Where? A At his house.

Q Canadian District? A Yes, sir.

Q Have you a certificate of marriage? A No, sir.

Q When did he marry you to your present wife? A In '81.

Q Did he ever give you a certificate of marriage? A No, sir.

Q You never did have one? A No, sir.

Q Was your present wife ever married before she married you? A No, sir.

Q You are her first husband? A Yes, sir.

COMMISSION: Judge Woodall living? A No, sir, he is dead.

Q Is there anybody living that was present when you were married? A Yes, sir, I proved up that I was married when you fellows was at Fort Gibson.

MR. HASTINGS: You already introduced some proof on this marriage before? A Yes, sir.

COMMISSION: Are there any other statements you desire to make relative to the enrollment of your wife and children? Have you anything else you want to say just now to the Commission about their enrollment? A Why, I think my child is a Cherokee by blood. I can say that much, and that she is on the roll at the time she was born.

Q Do you submit this case to the Commission for final consideration? A I couldn't answer that.

Q Well, you have to answer it.

MR. HASTINGS: In other words, are you willing for it to be closed. Have you got any more testimony now that you want to put in?

COMMISSION: Mrs. Holland, now, was the only person living that was present when you were married to your wife, is she not? A No, sir, she ain't, there's more, there's others.

Q They are living? A Yes, sir. That's what I say; if you want other proof to that effect I can furnish that.


Q Well, is there any other statement now that you desire to make relative to this case? A Well, I will say that I can prove by other parties that I was lawfully married.

Q Do you submit the case to the Commission for final consideration? A Yes, sir, well, I said I would submit to you once, the Commission.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of MARGARET HARMON, for the enrollment of herself as a citizen by intermarriage, and her daughter Mary Harmon, as a citizen by blood, of the Cherokee Nation:

MARGARET HARMON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Margaret Harmon.
Q What is your age at this time ? A Forty four.
Q What is your post office address ? A Fawn.
Q Are you the same Margaret Harmon who applied to this Commission in August, 1900, for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What was the name of your husband ? A John Harmon.
Q Is he living ? A Yes sir.
Q When were you married to him ? A In 1881.
Q Where ? A Right here.
Q In the Cherokee Nation ? A Right x close at home there.
The district judge married us.
Q Had you ever been married before you were married to John Harmon?
A No sir.
Q He was your first husband ? A Yes sir.
Q Had he ever been married prior to his marriage to you ?
A Not that I know of.
Q Then, he is your first husband and you are his first wife so far as you know ? A Yes sir, so far as I know.
Q How long had you known him when you married him ?
A About six months.
Q Have you and he x lived together as husband and wife from the day of your marriage up to the present time ? A We have.
Q You have never separated ? A No sir.
Q You were living together as husband and wife on the first day of September, 1902, were you ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to Mr. Harmon, in the Cherokee Nation, since 1881 up to the present time ? A Yes sir.
Q Is this child Mary your child by your husband John Harmon ?
A Yes sir.
Q Is it still living ? A Yes sir.
Q Has it lived in the Cherokee Nation all it's life ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 17, 1902.

E. C. Bagwell
B. H. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret Harmon as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Mary Harmon as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on August 20, 1900, John Harmon appeared before the Commission at Fort Gibson, Indian Territory and then and there made personal application for the enrollment of himself and his minor child Mary Harmon as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Margaret Harmon as a citizen by intermarriage of the Cherokee Nation. Upon the evidence submitted at that time John Harmon was listed for enrollment on Cherokee Card, Field No. 1816. On February 19, 1902, John Harmon again appeared before the Commission at its office in Muskogee, Indian Territory and further proceedings were then had in the matter of this application. The evidence in this case shows that Margaret Harmon, a white woman, was lawfully married in 1881 to John Harmon, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880. Mary Harmon is her child by said John Harmon, her husband. The names of Margaret Harmon and Mary Harmon appear upon the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that Margaret Harmon is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that Mary Harmon is lawfully entitled to be enrolled as a member by blood

of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

C. R. Beckwith

Commissioner.

DATED AT MUSKOGEE, INDIAN TERRITORY,

this MAY 20 1902

Commission to the Five Civilized Tribes.

Muskogee, I. T. May, 22, 1902.

In the matter of the application for the enrollment of Margaret Harmon as a citizen by inter-marriage of the Cherokee Nation, and for the enrollment of her minor child, Mary Harmon as a citizen by blood of the Cherokee Nation.

Cherokee D. 142.

PROTEST OF THE CHEROKEE NATION.

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The Cherokee Nation desires to protest against the decision of the Commission rendered May, 20, 1902, in this case and asks that the same be forwarded to the Secretary of the Interior for review. The testimony in this case shows that John Harmon, the husband of Margaret Harmon, is a Cherokee by blood, and that prior to his marriage to her he entered into a common law marriage with Alice Harmon, and had her enrolled in 1880 with him, as his wife, and so held her out to the community, and she was so recognized. The only witness which he introduces as to his present marriage also testifies that this former common law marriage with Alice, and states that she was recognized as his wife. The Cherokee Nation contends that it was necessary for John Harmon to have been divorced from his first wife before his marriage to his present wife, Margaret, and if his second marriage is not legal, Margaret being a white woman that her minor child, Mary being illegitimate follows the mother, and is not entitled to be enrolled.

Respectfully submitted,

W. W. Hastings JCS
Attorney for the Cherokee Nation.

A. G. E.

HENRY L. DAVIS
TAMM CHASE
THOMAS B. HARRIS
C. R. HARRINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

D. 142.

ATTENTION: ADDRESS ONLY
TO THE COMMISSIONER

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

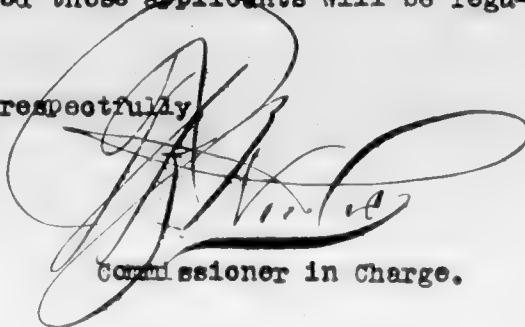
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Margaret Harmon for the enrollment of herself and her child, Mary Harmon, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. D-142.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 142.

Muskogee, Indian Territory, August 22, 1902.

W. W. Hastings,

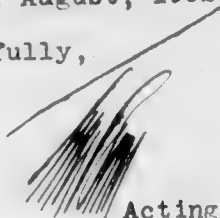
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, granting the application of John Harmon for the enrollment of his wife, Margaret Harmon, as a citizen by intermarriage, and for the enrollment of his minor child, Mary Harmon, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 9th day of August, 1902.

Very respectfully,



Acting Chairman.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 20th, 1900.

IN THE MATTER OF THE APPLICATION OF Mariah E. Crane for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Mariah E. Crane.
Q What is your age? A Forty seven.
Q What is your Postoffice? A Okmulgee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Cooweescoowee.
Q How long have you lived there? A Part of my life; I was raised in the east; I am living with my mother.
Q How long have you lived in the Cherokee Nation? A I was born here

Left here when I was eight years old to be educated and raised, and I have been here off and on every two years.

- Q For whom do you apply? A Myself alone.
Q Are you married? A Yes sir.
Q What is your husband's name? A Charles C. Crane.
Q Is he living? A Yes sir.
Q Is he a non citizen? A Yes sir.
Q Where does he live? A Baltimore, Maryland.
Q Are you living with him there? A Yes sir; off and on; I am here with my mother at present.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Where were you born? A At Tahlequah.
Q Your mother was living there at that time? A Yes sir.
Q She was a permanent resident of Tahlequah at that time? A Yes sir.
Q You left her when you were nine years old? I left here in 1863, or 1864; I went from here to Baltimore, Maryland.
Q Where were you married? A In Baltimore, Maryland.
Q In what year? A In 1894.
Q You lived in Baltimore Maryland from 1863 until you were married? A Yes sir.
Q You have been living there since your marriage; since 1894 with your husband? A Yes sir; off and on; I am here with my mother; I come here every two years.
Q You come to see your mother? A I come to spend the summer and see about my place.
Q Your husband has never been to this country? A No sir.
Q You have lived with him continuously since 1894? A Yes sir.
Q And his postoffice is Baltimore, Maryland? A Yes sir.
Q You were living with your husband in June, 1898? A Yes sir.
Q You have no children? A No sir.

By the Commission:

- Q What is your father's name? A George House.
Q What is your mother's name? A Mrs. R. T. Ripart.
Q Is she living? A Yes sir.
Q What would your name be in 1880? A Mariah E. House.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Did you ever apply to the Commission to the Five Civilized Tribes for citizenship in the Cherokee Nation? A I have my citizenship papers. (Applicant hands papers to Commissioner)

By the Commission:

You present a certificate of admission, issued by the Commission on Citizenship, to the Cherokee Nation, on May 29th, A.D., 1889, signed by William P. Ross, Chairman of the Commission, attested by G. S. Williams, clerk of the citizenship Commission, approved and endorsed by J. B. Hayes, principal Chief of the Cherokee Nation, under the great seal of the Nation, certifying that on the 19th day of May, 1887, one, Che-nah-sah M. House was admitted to citizenship; are you

the identical person mentioned in this certificate? A Yes sir.
Q This certificate of citizenship provides that the applicant shall be entitled to ~~admission~~ admission, upon becoming a resident of the Territory, in one year after its date, and it is dated the 29th of May, 1890; were you an actual and bona-fide resident of the Cherokee Nation on the 29th day of May, 1890? A Yes sir.
Q Were you married at that time? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q How long did you live here in 1890? A Part of the year.
Q What time did you come here? A I think it was in April or May of 1890.
Q Are you positive? A No sir.
Q How long did you remain? A Part of the year.
Q About how long did you remain? A I suppose about three months/
Q Then you returned to Baltimore? A Yes sir.
Q And you have lived there ever since? A I am here now; and I was here two years ago.
Q How many times have you been out here since 1890? A This is the third time.
Q What was the first time? A In 1893.
Q How long did you remain in 1893? A Between four and six months.
Q You came out and stayed with your mother? A Yes sir.
Q When did you come the next time? A In 1894.
Q After you were married? A No sir; just before.
Q How long did you remain that time? A Two months.
Q And the next time you came was this time? A No sir; I was here in 1896.
Q How long did you remain in 1896? A I do not remember.
Q That is the last time you have been here, until this time? A Yes sir.
Q When did you come this time? A In July.
Q What is your husband's business? A He is a commercial traveller.

By the Commission:

(Applicant identified on the roll of 1896, Page 127, #335, Mariah E. Crane, Cooweescoowee District)

Q Whom do you live with in Baltimore? A My husband.
Q Before you were married to him? A I was being educated there, and after that I made my own living.
Q Did you draw strip money in 1894? A Yes sir.
Q Was your name Crane in 1894? A It was House when I drew my strip money.

(Identified on the roll of 1891, Page 213, #2124, Che-nah-sah House, Cooweescoowee District)

The name of Mariah E. Crane appears on the pay roll of 1894, as Che-nah-sah House, and upon the census roll of 1896, as Mariah E. Crane. She avers that she was married to Charles C. Crane in 1894. Her name does not appear on the authenticated roll of 1880. She however presents a certificate of admission, as indicated in the testimony, certifying that she was admitted to citizenship on the 19th day of May, A. D., 1887, under the name of Che-nah-sah House. Satisfactory proof having been made as to her being the identical person named in the certificate, and her name also appearing on the rolls as indicated; the Commission is not satisfied at this time as to the legal residence of said applicant, or as to whether she has resided in the Cherokee Nation a sufficient length of time to entitle her to citizenship, or whether by her removal from the Cherokee Nation, as indicated in the testimony, she has not forfeited her ~~citizenship~~ citizenship: Consequently, final judgment as to the applicant will be suspended: Her name will be placed on what is known as a doubtful or white card: She will be permitted to present any other testimony she may desire to the Commission, within the next twelve months as to her citizenship: When the decision of the Commission is arrived at, she will be notified of the same by mail. She states that she has a farm in the Cherokee Nation, of one hundred and fifty acres, upon which she has placed improvements.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before
me this 25th day of August, 1900.

A. H. [Signature]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mariah E. Crane for enrollment as a Cherokee citizen.

- On the 20th day of August, 1900, Mariah E. Crane appeared before the Commission to the Five Civilized Tribes and made application for her enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence she was placed upon a "Doubtful" card.

The evidence in the case shows that she was born in the Cherokee Nation in 1853. When she was ten years old she left the Cherokee Nation and went to Maryland. It further appears that she was re-admitted to citizenship in the Cherokee Nation by a Cherokee Commission on Citizenship on the 29th day of May, 1889, the certificate of her re-admission containing a provision that she should become an actual and bona fide resident of the Cherokee Nation within one year thereafter. Within a year applicant came to the Cherokee Nation and stayed a short time, returning again to Maryland. She did not come back to the Cherokee Nation until 1893 and stayed but a short time on that occasion. She made a short visit to the Cherokee Nation again in 1894. In that year she was married to Charles C. Crane, a white man, and non-citizen of the Cherokee Nation, and who appears to be a resident of the state of Maryland.

From applicant's own testimony it is clear that she resides in Maryland and makes her home there with her said husband and makes only occasional visits to the Cherokee Nation; his residence is therefore hers. It is further apparent from the facts in this case that she has never acquired an actual and bona fide residence in the Cherokee Nation as required by the conditions of her re-admission to citizenship therein.

She is identified on the Cherokee Census roll of 1896.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

-2-

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

--000--

In view of the facts and the law cited this Commission decides that Mariah E. Crane not having complied with the conditions attached to her re-admission to citizenship is therefore not entitled to enrollment as a citizen by blood of the Cherokee Nation. Her application will be denied, and it is so ordered.

A handwritten signature, likely of C. K. McKim, is written over a horizontal line. The signature is in cursive and appears to be "C. K. McKim".

Commissioners.

Dated at Muskogee, Indian Territory,

& APR 26 1902

NOTICE!

IN THE MATTER OF the application of Mariah E. Crane
for enrollment as Cherokee citizens:

Case No. D 143
To Mariah E. Crane, Baltimore, Md.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on Feb 16th 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb 5th 1902.

W. M. Hastings
Attorneys for the Cherokee Nation.

ATTORNEYS

B. HELL

W. W. HASTINGS

J. S. DAVENPORT

STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. .

Muskogee, I. T., Feb. 15, 1902.

Post Master,

Claremore, I. T.

Dear Sir:

Will you please advise us if Mariah E. Crane gets mail at your office, and if she does not, please advise us where she has instructed you to forward her mail, and greatly oblige.

Yours very truly,

J. Starr

Sirs:-

2 - 16 - 1902

We do not know No forwarding
order with us.

E. J. Bassey. P M

13

COMMISSIONERS
HENRY L. DAWKINS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRICKINRIDGE

ALLISON L. AYLESWORTH
CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

KEEN IN REPLY TO THE FOLLOWING

Cherokee D-143

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

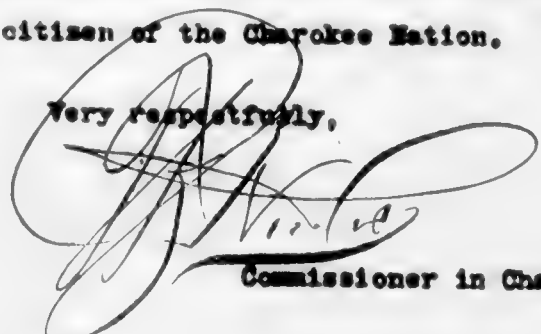
Atty. for Cherokee Nation

Muskogee, Indian Territory,

Sir:

Enclosed find copy of Commission's decision of date April 26, 1902, in the matter of the application of Mariah E. Crane for the enrollment of herself as a citizen of the Cherokee Nation.

Very respectfully,



Commissioner in Charge.

Encl. B-8.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-143.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Mariah E. Crane for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,



Acting Chairman.

Refer in reply
to the following:

88448, 1905

Copy.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

December 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1905, transmitting record relative to the application of Mariah E. Crane, for enrollment as a citizen of the Cherokee nation.

October 31, 1905, the Commissioner held that the applicant was not entitled to enrollment. Mariah E. Crane was born in the Cherokee Nation in 1863. When ten years of age, she was taken from the Nation to the State of Maryland, where she has continuously resided. May 29, 1889, she was re-admitted to citizenship in the Cherokee Nation by the Committee on Citizenship, on condition that she remove and permanently locate in said nation. After her admission she made occasional visits to the Cherokee Nation, but never established a residence therein.

In 1894 she was married to Charles C. Crane, a resident of Baltimore, Maryland. The applicant, by her continued residence beyond the limits of the Cherokee Nation, lost her citizenship

therein, and as she did not remove to the nation after her readmission in 1889, she is not entitled to enrollment, and the approval of the Commissioner's decision adverse to her is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-McC.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
FHE.

I.T.D. 18020-1905.

January 5, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 31, 1905, you resubmitted the record in the matter of the application for the enrollment of Mariah E. Crane, as a citizen by blood of the Cherokee Nation, including your decision of the same date, rejecting said application.

Reporting December 23, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-649.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1906, rejecting the application of Mariah E. Crane for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 5, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-32


Commissioner.

REGISTRY RECEIPT.

Post Office at 11117

Registered Letter / Parcel No.

Rec'd

1902, 190

of

addressed to

P. M.

10143

IN THE MATTER OF THE APPLICATION OF

Marian E. Crane

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 144

Cher D 144

D 144

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1900



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
PT. GIBSON, I. T., AUGUST 20th, 1900.

IN THE MATTER OF THE APPLICATION OF Edward Henry Fitzgerald, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A Edward Henry Fitzgerald.
- Q What is your age? A I am about fifty years old.
- Q What is your Postoffice? A Talala.
- Q What is your District? A Cooweescoowee.
- Q For whom do you make application for enrollment; yourself?
- A Yes sir.
- Q Who else; your wife? A Yes sir.
- Q Any children? A Yes sir; six.
- Q Do you apply as a Cherokee by blood or Irishman? A Irishman.
- Q YOU are an intermarried Cherokee? A Yes sir.
- Q Your wife is a Cherokee by blood? A Yes sir.
- Q When were you married to your present wife? A Married first about 1878, I expect.
- Q UNDER Cherokee law, when did you marry? A About ten years ago.
- Q Have you any marriage licence? A Yes sir.
- Q When were you married under the United States law? A I was married under a Squire.
- Q Is this (indicating marriage licence just exhibited) the only marriage you ever had? A Yes sir.
- Q You were issued a licence in regular form, were you? A Yes sir the marriage licence was last; that was four years ago; I guess you gentlemen required - issued an order; Mr. Rixby I think.
- Q This is the certificate? A That is a copy of the marriage licence record in the book; it is copied out of the book.
- Q The certificate states that what precedes it is a true and correct copy of the original record found on Page 67, of the Record Book of marriages for the District of Cooweescoowee, for the year 1891, and the certificate and copy are supplied by Joe M. Lahay, the 26th of October, 1891, then Clerk of Cooweescoowee District; Now the record, copied from the record book of marriages has the following statement: "Marriage licence issued on the 20th of October, 1891 to E. H. Fitzgerald, a citizen of the United States, to marry Catherine Fitzgerald, nee Lacy, a citizen of the Cherokee Nation. A petition signed by the following persons" - then follows a list of ten persons, after which is the following: "Marriage solemnized by John F. Allen, Minister of the Gospel, the 31st day of October, 1891; recorded on this 24th day of November, 1891; H. H. Trott, Clerk, Cooweescoowee District, Cherokee Nation". Now Mr. Fitzgerald; this is not exactly in regular form; it states that a marriage licence was issued to you on the 20th of October, 1891; but what has become of the licence that was issued to you?
- A It was lost.
- Q Why was not that licence, when it was recorded on October 31st, just a few days after your marriage; why was it not spread in full on the records of the District office, as required by law? I do not understand.
- Q The usual way of recording marriage licences is to write in the book everything that is in the licence? A The Clerk, I suppose does that.
- Q I expect that is the true state of things; it looks as if he was simply giving you a memorandum of what the books contain: Very likely the books contain the whole licence: Now I want you to apply to the proper authorities and try to get a full copy of the licence that was issued to you; the same document that you say was lost, the original of which should be in the books? A I was in the office the morning he printed that; and he took it right off of the book.

Q Was that all that was on the book? A I took it for granted that it was; I do not know.

Q Have you lived in the Cherokee Nation ever since you married in 1891? A I have not been absent since 1891.

Q Have you and your wife lived together ever since you were married in 1891? A Yes sir.

Q Your wife's name is Catherine Fitzgerald, is it? A Yes sir.

Q How old is she now? A Between thirty nine and forty, I think; a little over thirty nine.

Q What proportion of Cherokee blood do you think she has? A I think about one third; her father was one half.

Q And her mother was part Cherokee, was she? A No sir, she was a white woman.

Q Then if her father was a half, she is one fourth? A Well.

Q Your wife lived in the Cherokee Nation all her life? A Yes sir, with the exception of about four years.

Q When was that? A She was not well and I brought her north on account of her health.

Q About when? A Before 1880, I think.

By Mr. W. T. Hutchings, Cherokee Representative:

Q That was after you were married to her? A She has never been out of the Nation since 1890.

By the Commission.

Q What District did she live in in 1880? A Delaware.

Q She was a Lacy then, was she? A Yes sir.

Q She was in Coowescoowee in 1896, was she? A Yes sir.

Q How what is the name of your wife's mother? A I do not know.

Q She was a Lacy was she not? A I suppose so.

Q You do not know her other name? A No sir.

Q Her mother, you say, was a white woman? A Yes sir.

Q Is she living or dead? A I believe she is dead; I never seen her.

Q You do not know how long she has been dead? A No sir.

Q What is your wife's father's name? A William Lacy.

Q You say he was a half breed? A Yes sir.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A More than six years ago; not very much longer than six years ago.

Q How long did he live in the Cherokee Nation? A Since they moved from the east here.

Q About how long ago? A About forty or fifty years ago; nearly fifty years ago.

Q What is the name of your father? A Edward Fitzgerald.

Q He was a white man, was he? A Yes sir.

Q Is he living or dead? A He is dead.

Q What is the name of your mother? A Catherine Fitzgerald.

Q Is she living or dead? A Dead.

Q Was she a white woman? A Yes sir.

Q Now give me please the names of your children? A Marie Fitzgerald.

Q How old is she? A She is twenty one.

Q Why does she not apply for herself? A I do not know. In case it is necessary, I can send for her.

Q Give me the name of the next child? A Katy Fitzgerald.

Q How old is she? A She is twenty.

Q What is the next child? A Elvora Fitzgerald.

Q How old is she? A She is sixteen.

Q Your next child? A Is Pally Fitzgerald.

Q How old is she? A Ten.

Q Your next child? A William Ross.

Q How old is he? A Seven.

Q Next child? A John Henry.

Q How old is he? A Near a year and four months.

Q Are all of these children named Fitzgerald? A Yes sir.

Q They are all your children? A Yes sir.

Q You must have married under United States law before you were married under the Cherokee law? A No sir, I never was married under United States law; we had a kind of a marriage about twenty years ago; then when the United States law became strict her, we got married.

Q You made it more formal? A Yes sir.

Q When did you take up together as man and wife, proclaiming yourselves as such? A March 17th, 1878.

Q You and she have lived together as husband and wife ever since, have you? A Yes sir.

Q Now your daughter, Mary, or Marie, must apply for herself, as she is over twenty one years old.

Q Did your wife draw Strip money? A Yes sir. She drew bread money and grass money.

(Applicant's wife identified on the roll of 1894, Page 191, #1635, Catherine Fitzgerald, Cooweescoowee District) (On the roll of 1896, Page 156, #1670, Catherine Fitzgerald, Cooweescoowee District)

(Applicant identified on the roll of 1894, Page 304, #349, as Edward F. Fitzgerald, Cooweescoowee District)

(Applicant's wife's father's name is William Insley Lacy)

Identification of applicant's children:

(1894 Roll, Page 156, #1672, Katie Fitzgerald, Cooweescoowee)

(1894 Roll, Page 156, #1673, Minora Fitzgerald, Cooweescoowee)

(1896 Roll, Page 156, #1675, Josephine Fitzgerald, Cooweescoowee)

(1896 Roll, Page 156, #1674, Polly Fitzgerald, Cooweescoowee)

(1896 Roll, Page 156, #1675, William R. Fitzgerald, Cooweescoowee)

Q Was your wife admitted to citizenship by action of the tribal authorities? A No sir; she has never been admitted that I know of

Q You hand me her a certificate of an Act, readmitting Hollie Rogers, et al, to citizenship; it is furnished by John T. Adair, Executive Secretary, under the seal of his office, on the 5th day of September, 1893, and he states that the following is a transcript from the record on file in the executive Department: "Be it enacted by the National Council that Hollie Rogers, and others, enumerated, be and are hereby readmitted to citizenship in the Cherokee Nation, by virtue of Cherokee blood: Approved December, 24th, 1890". Among those, appears the name of Catherine Fitzgerald, and certain children; is that Catherine Fitzgerald your wife? A Yes sir.

Q Among the children named is Catherine Fitzgerald, then ten years of age; is that the one you give me now as Katy, twenty years of age? A Yes sir.

Q And Minora, you likewise think, is your present daughter, Minora? A Yes sir.

Q She was then seven years of age; now seventeen or sixteen? A Yes sir; some ~~whereabout~~ about that.

Q And then another one, Polly; that is your daughter? Is it? A Yes sir.

Q She was then three months old now ten years? A Yes sir.

Q I do not find there the name of your child Josephine; why is not her name in the certificate? A There was some mistake in getting the names on: Ross, President of the Senate, and he died; some way or other the name was left off.

Q So she was not included in the Act passed by the National Council? A No sir, she was not.

Q Now your two younger children, William Ross and John Henry, were born since this admission? A Yes sir.

Q And you married under Cherokee law since this admission? A Yes sir.

Q The copy of readmission is returned to you; your oldest child will need to use that when she applies? A Yes sir; I will have her here.

It is shown by the Act of Admission, cited in the testimony that the wife of this applicant was duly readmitted to Cherokee citizenship on December 24th, 1900; she will be enrolled now under the name of Catherine Fitzgerald, as a Cherokee by blood.

Of the six children for whom application is now made, Katy, Finera and Polly are identified on the roll of 1896, and in the Act of readmission, as cited in the testimony, and they will now be enrolled as Cherokee by blood.

~~John Henry Fitzgerald, then a child, also, will be enrolled as a Cherokee by blood.~~

Of the two younger children, William Ross and John Henry, they having been born since that Act of Readmission, William Ross Fitzgerald is identified on the roll of 1896, as are all of the foregoing persons, and William Ross Fitzgerald will now be enrolled as a Cherokee by blood. His youngest child, John Henry Fitzgerald is too young to have been put in the Act of Readmission, or upon any roll that has been made of the Cherokee Nation. When this Commission is supplied with a duly authenticated certificate of birth of John Henry Fitzgerald, then a child, also, will be enrolled as a Cherokee by blood.

Now in the matter of the application, made for the child, Josephine, she is identified on the roll of 1896; that gives her Commission jurisdiction, but her name is not included in the Act of admission: It is explained by her father that it was through an error, committed by the President of the Cherokee Council. This Commission, however, has no authority to insert names that have been omitted nor any cause by the Cherokee authorities, nor to correct any error of this character. Hence, Josephine, or whatever name, it may be, Josephine Fitzgerald does not appear to be entitled to enrollment at this time, and her application is rejected.

As regards the application of the father of these children, Edward J. Fitzgerald himself, still there is no question as to his legal status of these children, he is unable to produce an actual license and certificate of his marriage, in accordance with Cherokee law. For the further consideration of the Commission, his application will not be passed upon finally at this time, but will be placed on a doubtful card, and the final decision, when rendered, will be reported to Mr. Fitzgerald, at his Post office address, and it will be forwarded to the Secretary of the Interior, for his final approval.

W. J. Long, having sworn, states that in conformity to the Commission to the Five Civilized Tribes, he reports the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

W. J. Long

Sworn to and subscribed before
me this 23rd day of April, 1900.

W. J. Long

WITNESSES.

21411

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 12 1902

COMPTROLLER.

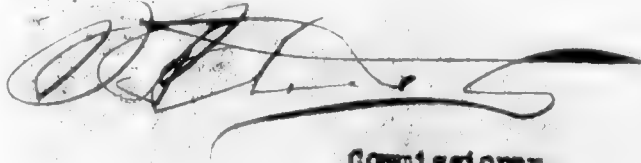
D. 144.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1908.

In the matter of the application of Edward H. Fitzgerald for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant present by attorney, A. H. Norwood, Dewey, I. T.
Cherokee Nation represented by W. W. Hastings.

The attorney for the applicant submits this case to the Commission for final consideration, as do the attorneys for the Cherokee Nation.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke at the end.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 10, 1902.

In the matter of the application of Edward W. Fitzgerald
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental Proceedings.

EDWARD W. FITZGERALD, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Edward Henry Fitzgerald.
Q What's your postoffice? A Talala.
Q What's your age at this time? A A little over fifty.
Q Are you an applicant before the Commission for enrollment as an
intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your Cherokee wife's name? A Catherine.
Q Is she living? A Yes, sir.
Q When were you married to your wife, Catherine? A I scarcely
remember, you have my license with the Commission. Sometime ago, I
think it was '91.
Q '91 or '81? A It was either one or the other, I don't know
which.
Q Your license is on file here? A Yes, sir.
Q Were you ever married before you were married to your wife,
Catherine? A No, sir.
Q She is your first wife? A Yes, sir.
Q Had she ever been married before you and she were married?
A No, sir.
Q And you are her first husband? A Yes, sir.
Q Have you and your wife, Catherine, lived together as husband and
wife from the time of your marriage up until the present time?
A Yes, sir.
Q Still living together? A Yes, sir, still living together.
Q Never separated? A No, sir, never had no trouble.
Q Never married any other woman? A No, sir.
Q You and she living together on the first day of September, 1902?
A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your
marriage to Catherine? A I have been living in the Cherokee
Nation ever since '71.
Q You have been living in the Cherokee Nation ever since '71?
A Yes, sir.

Retta Chick, being first duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
recorded the testimony and proceedings in the matter of the foregoing
application, and that the above is a true and complete transcript of
her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 16 day of October, 1902.

R. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward H. Fitzgerald
for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on August 20, 1900, Edward H. Fitzgerald appeared before the Commission at Fort Gibson, Indian Territory, and made application, among others, for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Edward H. Fitzgerald, a white man, was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on October 31, 1891, to Catherine Fitzgerald, nee Lacey, a citizen by blood of the Cherokee Nation. The said Edward H. Fitzgerald is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Edward H. Fitzgerald has resided with his wife in the Cherokee Nation since 1891 up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Edward H. Fitzgerald should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tamo Kirby.

Acting Chairman.

SIGNED:

F. D. Needles.

Commissioner.

SIGNED:

C. R. Brantbridge.

Commissioner.

Muskogee, Indian Territory,
this JAN 28 1903

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-144.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

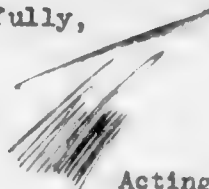
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Edward H. Fitzgerald for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-8.

144

IN THE MATTER OF THE APPLICATION OF

Edward H. Fitzgerald

FOR ENROLLMENT

CHEROKEE CITIZENS.

~~A-Original testimony - August 20, 1900~~

~~B. Mem^o-application~~ ~~"~~ 20. 1900

Q. Certificate relative to marriage

Notice of final Consideration

Order closing to ~~Annony~~ Feb. 19, 1902

1842

Sp. Haroku Jacket 36.0.77.

Feb. 10, 1915

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D 146

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1900

[Handwritten signature]
SPECIAL AGENT IN CHARGE

[Faint handwritten notes and markings]

Department of the Interior,
Comptroller to the Five Civilized Tribes,
St. Albans, I.T., August 21, 1900.

In the matter of the application of Effie O. Nelson for the enrollment of herself and three children as Cherokee citizens; being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Effie O. Nelson.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Briartown.
Q Are you a recognized citizen of the Cherokee Nation by blood? A Yes sir.
Q What degree of blood do you claim? A One-sixteenth.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District? A Two years.
Q Where did you live before that? A I lived off and on here all my life; my mother taken no over the other side of the river when I was small and I lived there a while.
Q Your mother took you when you were a child to Arkansas? A No sir, to the Choctaw side.
Q How long did you live in the Choctaw Nation? A I don't know how long.
Q How old were you when you came to the Cherokee Nation? A I was eleven years old.
Q Have you been living in the Cherokee Nation ever since you were eleven years old? A No sir, I went back to the Choctaw side and lived there a while; I married in 1893.
Q And then did you come back to the Cherokee Nation? A Yes sir.
Q You have been living here ever since? A No sir.
Q I moved back to that side of the river.
Q How long have you lived in the Cherokee Nation since you came back the last time? A Two years.
Q Before that you lived in the Choctaw Nation? A Yes sir.
Q Who do you want to apply for for enrollment? A Myself and three children.
Q What was your name before you were married? A Effie Hilderbrand.
Q When were you married? A March 5th, 1893.
Q Is your husband living? A Yes sir.
Q Were you married according to United States law? A Yes sir.
Q What are the names of your children? A Jesse Nelson, a boy, seven years old; Ethel Nelson, five years old; Ersk Nelson, two years old.
Q These children alive and living with you at this time? A Yes sir.
Q What is your husband's name? A W.W. Nelson.
Q What is he? A He is a non-citizen.
Q What is your father's name? A Joe Hilderbrand.
Q Is he living? A No sir, he died 3rd of September, 1897.
Q What is your mother's name? A Mary V. King.
Q She is living? A Yes sir.
Q She is a citizen? A No sir, she is not a citizen of the Cherokee Nation, she is a citizen of the Choctaw Nation.
Q Where does she live? A In Atoka County, Choctaw Nation.
Q Then you are a Choctaw aunt you? A No sir, she is a white woman, married a Choctaw; she came from Texas.
Q Is your father a Choctaw? A No sir. ~~Before~~ First married a Cherokee, my father, Joe Hilderbrand, when she came from Texas.
Q And since that she has married a Choctaw? A She has married three Choctaws since then.

Examination by Cherokee Representative Hastings:

Q You were living in the Choctaw Nation in 1880? A Yes sir, I reckon I was.
Q When did your mother first marry a Choctaw? A I don't know.
Q I was a baby when she married him.

Exhibit O. Nelson et al #2

Q And you went to school? A Yes sir.
I lived with my father and mother at birth.
Q Where were you married? A I was married on the other side of Canadian in the Choctaw Nation, right on the line.
Q Where is your home? A It is on this side of the river in the Choctaw Nation, at Okfuskee.
Q How long have you lived there? A 20 years.
Q Where did you live directly after you were married in 1893? A I lived on the other side of the river in the Choctaw Nation.
Q How old was your first child born? A He was born there.
Q How old was your second child born? A That was all three born in the Choctaw Nation, but I lived however times in the Choctaw Nation; I lived over here.
Q Did you have a citizen? A Did it you many years ago and according to the law? A I don't know; I just never married by Cherokee law; I was bigamist.
Q The truth of the matter is that with the exception of occasional visits ever since you have been a baby you have lived with your mother on the Choctaw Nation up until the time you married, and up until two years ago? A Yes sir, the biggest part of the time.
Q How old are you now? A I am 40 years old now.
Q I forgot to ask you; did you ever marry?

Q To be needles:

Q In your application for the Choctaw roll? A No sir, never was.
Q Did you ever apply to the Choctaw council? A No sir.
Q Did you ever apply to the Dawes Commission in 1896 for citizenship, four years ago? A Yes sir, on the side of the river I did; my name I reckon is in the 1896.
Q Did you ever apply to the Dawes Commission, through the courts, for citizenship in the Choctaw Nation? A No sir, I never did.
1890 roll page 55 #1487 Ethel Nelson, Canadian District.
1891 roll page 55 #1487 Ethel Nelson, Canadian District.
1894 roll page 74 #1604 Ethel Nelson, Canadian District.
1890 roll page 55 #1487 Ethel Nelson, Canadian District.
Q Was your mother living with your father in 1890? A They had separated, they didn't live together but three months.
Q What was your mother's name before she was married? A Mary V. Gillis, her maiden name was Conings.
1896 roll page 55 #1498 Jesse Nelson, Canadian District.
1896 roll page 55 #1499 Ethel Nelson, Canadian District.
Q As I understand you your father's name was Joseph Hilderbrand, and your mother's name was Mary King? A Yes sir, she is a King now.
Q Was her maiden name Conings when she married your father? A No sir, she was a widow, her name was Gillis.
Q What proof have you got of the marriage between your mother and father? A I haven't any.
Q And your mother's name is not on any of the rolls? A No sir, they just lived together three months.
Q You don't know whether they were married or not? A I think so and a certificate; I ain't certain. Father always claimed me and he brought this side of the river and sent me to school.
Q How were you married in the Choctaw Nation? A No sir, they were married in Ark-town.

Miss Cash being sworn and examined by Counsel for Needles testified as follows:

Q What is your name? A Ella Cash.
Q What is your age? A Forty-seven.
Q Do you know Ethel Nelson? A Yes sir.
Q Did you know her father? A Yes sir.
Q What was his name? A Joe Hilderbrand.
Q Do you know her mother? A Yes sir.

Effie O. Nelson et al #3

- Q Mary was her name was it? A Yes sir.
Q Do you know whether they were married or not? A I couldn't swear that they was married. They want to get married.
Q Do you know whether they lived together as man and wife? A Yes sir.
Q How long? A I couldn't tell you how long; he taken her home with him, and they lived up on the river, here somewhere.
Q Where were they married? A In Canadian District.
Q Her mother was a white woman? A Yes sir.
Q And her father was a Cherokee? A Yes sir.
Q You don't know how long they lived together as man and wife? A No sir.
Q Do you know whether they lived together at all as man and wife? A They lived together.
Q But you don't know the length of time? A No sir.

Examination by Cherokee Rep'lve Hastings:
Q You don't know when they were supposed to have been married?
A No sir.

George A. Brown being sworn and examined by Com'l'r Heddles testifies as follows:

- Q What is your name? A George A. Brown.
Q What is your age? A Fifty-one.
Q What is your post-office address? A Briggs.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you know Joseph Hilderbrand in his lifetime? A Yes sir.
Q Is he living? A No sir, they tell me he is not living.
Q Did you know his wife Mary? A Yes sir.
Q Do you know that they were married? A No sir, I heard him say that's all I know.
Q What did you hear him say? A I heard him say they was married, and I heard her say so.
Q Do you know whether they lived together as man and wife? A Yes sir, they did.
Q How long did they live together? A I disremember, - I believe it was a year, I don't know.
Q Were they housekeeping? A Yes sir.
Q Did they have any children when you were there? A No sir.
Q Do you know anything about this girl, Effie, here? A Yes sir, I have seen her at Joe Hilderbrand's, and he acknowledged her as his child..
Q How old was she when you saw her there? A I guess she was about eleven years old when I first saw her at his house.
Q Was he living with her mother at that time? A No sir.
Q Did he and her mother separate? A Yes sir.

Examination by Cherokee Rep'lve Hastings:
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you any relation to this girl? A No sir.
Q You know what year it was they were married? A No sir.
Q You know what year it was they was reported to be husband and wife? A No sir, I was working for Mr. Gilbert at the time; I didn't pay no attention.
Q You know whether Hilderbrand was ever married before or not? A No sir, I don't know.
Q Where were you living at that time? A I was living at that time about ten miles from there; I had lived with Mr. Hilderbrand before that, but I was ~~living~~ not living with him at the time he was married to Mary.

Com'r Heddles: The name of Effie O. Nelson appears upon the census roll of 1896, and her name also appears upon the pay roll of 1894; the names of her children, Jesse Nelson and Effie Nelson, appear upon the census roll of 1896; she avers that her mother's

Effie O. Nelson et al 44

name was Mary Gillis, a white woman; she presents no proof of marriage between her father and her mother, neither does her name appear upon the authenticated roll of 1880, although she was of sufficient age for her name to have appeared upon that roll; the Commission is not satisfied at this time as to either her residence or as to whether her father and mother were legally married; she and her children are identified on the rolls of 1890 and 1894, as indicated in the testimony; final decision as to the enrollment of Effie Nelson and her children, Jesse, Ethel and Bron, will be suspended, and their union will be placed upon a doubtful basis. No proof of birth has been presented as to the birth of their youngest child. She also avers that she was married to one W. W. Nelson, a white man, on the 5th day of March, 1893.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes and of the proceedings in said case.

M. D. Green

Subscribed and sworn to before me this 27 day of August 1900.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 18, 1902.

In the matter of the application of Effie O. Nelson for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by her husband, W. W. Nelson.
Cherokee Nation represented by W. W. Hastings.

W. W. NELSON, being first duly sworn, testified before the Commission as follows:

Q What is your name? A W. W. Nelson.

Q How old are you? A 33 years old.

Q What is your post-office address? A Briar Town.

Q Are you the husband of Effie O. Nelson, who is an applicant before this Commission for enrollment as a citizen of the Cherokee Nation?

A Yes, sir.

Q What was her father's name? A Joe Hilderbrand.

Q What was her mother's name? A Before they was married? Before she was married to Joe Hilderbrand?

Q No, right now? A Why, her name is Mary Y. King now.

COMMISSION: There was received and filed by the Commission on the 27th day of September, 1900, a certificate from H. J. Vann, Clerk of Canadian District, Cherokee Nation, which reads as follows:

"Cherokee Nation.) To all whom it may concern: That on this
Cherokee Nation.) day, it being the first day of May, 1877, and at
the regular term of Circuit Court of said district, a divorce was
granted Mary Hilderbrand from the bonds of matrimony by the said
court now existing between said Mary Hilderbrand and Joe M. Hilder-
brand. H. J. Vann, Clerk Canadian Dist. C. N."

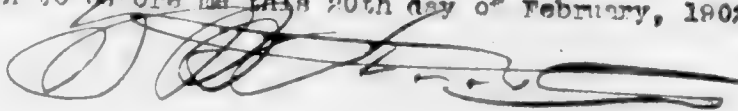
Q Is there any other statement you desire to make relative to the enrollment of your wife and children? A No, sir.

Q Do you submit this case to the Commission for final consideration? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Effie O. Nelson for the enrollment of herself and her four minor children, Jesse, Ethel, Krah and Marion Westley Nelson as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 21, 1900, Effie O. Nelson appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her three minor children, Jesse, Ethel and Krah as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 19, 1902, and affidavit as to the birth of Marion Westley was filed January 7, 1902.

The evidence shows that Effie O. Nelson is the daughter of Joe Hilderbrand, a citizen by blood, identified on the authenticated tribal roll of 1880, and Mary Hilderbrand, his wife, to whom he was married some time prior to 1877, as appears from a certified copy of the docket entry in the Circuit Court of Cooweescoowee District showing that a divorce was granted between said Mary and Joe M. Hilderbrand. The residence of said Effie O. Nelson seems to have been both in the Cherokee and Choctaw Nations, but it does not appear that she was ever out of the Indian Territory. She is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896 as a native Cherokee. She is not identified on the 1880 roll as she appears to have been living in the Choctaw Nation at that time. The above named children are the issue of a marriage between said Effie O. Nelson and W.W. Nelson. Jesse and Ethel are identified on the Cherokee Census roll of 1896. Krah is too young to be upon any roll, but she is properly identified as appears from a birth affidavit on file with this Commission.

The evidence further shows that the applicants were residing in the Cherokee Nation at the date of the application herein.

It is, therefore the opinion of this Commission that the said Effie O. Nelson, Jesse Nelson, Ethel Nelson, Krah Nelson and Marion Westley Nelson should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

this SEP 20 1902

J C D. 345'

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

**Proof of Service made
and original filed with the
DAWES COMMISSION,
FEB 17 1904**

NOTICE!

IN THE MATTER OF the application of Polly A. Sarahas
for enrollment as Cherokee citizens:

Case No. D 345

To Polly A. Sarahas or Wellette & Smith her attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 25th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of February, 1902,

W. W. Hastings

Attorneys for the Cherokee Nation.

68A

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 145.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Effie O. Nelson for the enrollment of herself and her four minor children, Jesse, Ethel, Erah and Marion Westley Nelson, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 69.

145

IN THE MATTER OF THE APPLICATION OF

Follie O. Nelson & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A-Original testimony, August 21, 1900

B-Mem^o of application - " 21, 1900

C-Certificate relative to decree of divorce

D-Birth affidavit - Erskine Nelson

E-Birth affidavit - Marion Matley Nelson

Notice of final consideration

Supplemental testimony and order

doing testimony 2/19/02

Cher D 146

Cher D 146

D 146
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 28 1900



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 21st, 1900.

In the course of the litigation of 1933, the Government was not
represented by any legal officer, and the Government was not
represented by any legal officer.

[illegible]

1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 26

1990

[illegible]

Q. Now, you said that you were not sure whether or not you were talking to the same person, is that right?

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

007-10869-1

(1997) 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845

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As a result, the *Yersinia enterocolitica* serotype 4/O:3 strain was isolated from the same animal.

What is the *best* way to do this? The answer is, of course, to use the *best* way to do this. But what is the *best* way to do this? The answer is, of course, to use the *best* way to do this. But what is the *best* way to do this? The answer is, of course, to use the *best* way to do this.

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

Q. Is that all you have to say?

... ..

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

... ..

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

1. $\frac{1}{2}$ of the population is 100% in the first group.

[illegible]

1. The first group of people who are likely to be affected by the proposed project are the local residents who live in the vicinity of the project site. These residents may be affected by the project in a number of ways, including increased traffic, noise, and air pollution. It is important to identify these potential impacts and develop measures to mitigate them.

1990

1967

11. The following information is for your information only. It is not to be used for any other purpose.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

THE UNIVERSITY OF CHICAGO PRESS

1. James H. Hester: The applicant is identified on the roll of 1880, in his own right, as a citizen cited in the Cherokee law of 1893. He was duly married under Cherokee law. His wife as claimed in 1893. She is identified upon the rolls of 1880 and 1897, but it appears that this applicant and his Cherokee wife are not living together at this time, neither have

William Bush - C.

they been divorced. The question of abandonment and forfeiture of the right to enrollment is suggested by their state of facts, and at the suggestion of the character representatives, and also for the better satisfaction of the Commission, this application will be presented upon a court of law, or before a commission. The application, as usually made, will be filed to the applicant at his present post office address, and will be forwarded to the Secretary of the Interior for final approval.

Mr. W. B. Jones, being duly sworn, says that he is a citizen of the United States, and that he is the owner of the land described in the above application, and that he is the owner of the land described in the above application, and that he is the owner of the land described in the above application.

Wm. B. Jones

Subscribed and sworn to before me this 1st day of May, 1901.

C. M. H. H. H.
Notary Public.

D 146

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 12 1900

[Faint circular stamp]

J. C. Nag

[Handwritten initials]

DEPARTMENT OF THE INTERIOR.
COMMISSION ON THE FIVE CIVILIZED TRIBES.
MT. CASSON, I. T., AUGUST 24th, 1900.

IN THE MATTER OF THE APPLICATION OF William Rush, Nancy E. Rush, being sworn by Commissioner, C. R. Brackinridge, testified as follows:

- Q What is your full name? A Nancy E. Rush.
Q Are you the wife of William Rush? A Yes sir.
Q About what time were you married? A The 26th of October, 1893.
Q How long did you live together as man and wife? A Six years.
Q What caused your separation from him? A Bad treatment; he cursed me and abused me.
Q Did he ever threaten any bodily harm? A He threatened to knock me down or kick me.
Q How far were you living from your mother at the time of your separation? A Three miles and a half.
Q Did your mother ever interfere with your domestic affairs at all? A No sir.
Q You left him because you could not bear his cruel treatment and abuse? A Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

P. R. Chavins

Subscribed and sworn to before
me this 5th day of September, 1900.

XX



XX

COMMISSIONER. I

COMMING

FEB 17 1902

ARMY CHARMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Feb. 18, 1902.

In the matter of the application of William Rush for the enrollment of himself as a citizen of the Cherokee Nation, Cherokee Card No. D-146.

Applicant present in person.

Cherokee Nation represented by W. W. Hastings.

The said William Rush, being duly sworn, testified as follows:

COMMISSION: What is your name? A William Rush.

Q Where do you live? A Wagoner.

Q Were you an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes, sir.

Q What is the name of your wife? A Nancy E. Rush.

Q Was she a citizen of the Cherokee Nation? A Yes, sir, her maiden name was Nancy Stout.

Q When were you married to her? A In 1893, October 19.

Q How long did you continue to live together as man and wife? A About eight years; well, let's see; about six or seven years; well, we have been separated I think about eighteen months.

Q You have been separated about eighteen months? A Yes, sir.

Q Were you separated from her when you made your original application to this Commission at Fort Gibson? A Yes, sir.

Q —In August, 1900? A Yes, sir.

Q Did you live with her continuously up until the time you separated? A Yes, sir.

Q Have you secured a divorce from her? A No, sir.

Q Has she from you? A No, sir.

Q Have you remarried since that time? A No, sir.

Q Has she? A No, sir.

Q Did she leave you? A Yes, sir.

Q Why? A Well, her mother caused it I guess.

Q Don't you know the cause of the separation? A I don't know what is the cause of it.

Q Well, in what way did she cause it? A Well, I don't see why she left me, I always treated her right, and always furnished her plenty. She seemed to get dissatisfied, and I used to give her mother a good deal of money, and she got so I couldn't stand it any longer, and I had to quit it, and then she got mad, and she done everything against me she could.

Q That is your wife's mother? A Yes, sir.

Q Have you ever endeavored to induce your wife to live with you? A Yes, sir, dozens of times.

Q Has she refused to come? A Yes, sir.

Q Did she state any reason for refusing? A No, sir. She said she wouldn't come. That is all she said. She said she didn't think that she would ever live with me any more, and the last time I asked her—I haven't asked her for over a year.

Q Did you ever abuse her in any manner? A No, sir; she claims that I did, but I didn't do it. I was always good to her, and treated her just like a baby.

Q Did you quarrel with your wife? A No, sir. We never did quarrel.

MR. HASTINGS: How old was she when you married her? A Well, I was born in '60, and I married October 19—

Q Well, how old was she, about how old? A She was born in '75, and she must have been about nineteen years old.

Q Had she ever been married before? A No, sir.

Q Had you? A No, sir.

Q Neither of you had ever been married before? A No, sir.

Q Well, at whose place did you live after you married? A We lived on her father's the first year, and after that I bought a place over across the river, and lived there.

Q In Tahlequah? A Yes, sir, and now I have got a place on this—

Q Well, tell me where you lived then? A Yes, sir, that is in Tahlequah district.

Q Where were you living when you separated, right in the same district? A In Tahlequah District.

Q Well, who left it, you or her? A She left it and went across to her father's, and I went out in the morning, and when we come in to dinner and she was gone.

Q Who had that child? A She took it with her, and I got it back and kept it nineteen days and then she sued for it.

Q And she got the child? A Yes, sir, she's got it now.

Q Has any divorce proceedings ever been instituted? A No, sir.

Q Neither she nor you? A No, sir.

Q She testified before this Commission in August, 1900, that the cause of this separation was bad treatment, and she swears that you cursed and abused her. A Yes, sir, I know that she says that, but then that is wrong.

Q She says that you threatened to knock her down and kick her? A No, pshaw!

Q In answer to this question: Did he ever threaten any bodily harm? she replied: He threatened to knock me down or kick me? A No, I didn't do no such a thing; she knows it, too, it's been put up to her by the old lady.

Q She says that she was compelled to leave you because of cruel treatment and abuse. A Lots of people right in the country knows, Mr. Hastings knows here, that I treated her just like a baby.

Q Where have you been living since this separation? A I have been living at Wagoner most of the time. I was up to my sister's on a visit. That's my home, Wagoner.

Q How long have you been away from the Indian Territory since the separation? A Oh, I was—I have been away—I went away about three months, I guess.

Q How long have you been back here this time? A I had just come back.

Q Just got back? A Yes, sir.

Q When? A I got back about a week ago.

Q Where did you receive this notice at? A Received it at Wagoner.

Q How long have you been gone? A Why I have been gone since last October, 22nd of October.

Q Where? A Up to my sister's in Illinois and Indiana, one sister in Indiana and one in Illinois.

Q Visiting? A Yes, sir.

Q Have you done any work up there? A No, sir.

Q You do not assign any reason or any cause at all for this separation? A I just believe it was her mother.

Q Her mother was not living with you? A But then she come over, and then I used to give her money. I used to give her money, and it got so I just had to quit it, and when I did it seemed like she turned against me.

Q In other words, you think that she was stout in disposition as well as in name? A I done lots for that old lady. I helped them before I was married.

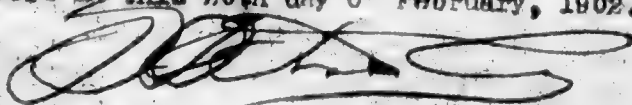
COMMISSION: Is there any other statement you desire to make now relative to your application before the Commission? A No, sir.

Q You submit it to the Commission for final consideration? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Rush for enrollment as a citizen of the Cherokee Nation.

On the 21st day of August, 1900, William Rush appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time his name was placed upon a "Doubtful" card.

Further evidence has been presented and the case submitted for final consideration.

The evidence shows that William Rush is a white man; that he was married by authority of a Cherokee marriage license on the 19th day of October, 1893 to Nancy E. Stout, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880. William Rush and his said wife lived together until about March, 1900. His wife seems then to have left him and refuses to return. The cause appears to have been that applicant could not get along with his mother-in-law, and does not seem from the evidence to be from any fault of the applicant.

He has resided continuously in the Cherokee Nation with the exception of a three months visit to Illinois and Indiana, since 1891.

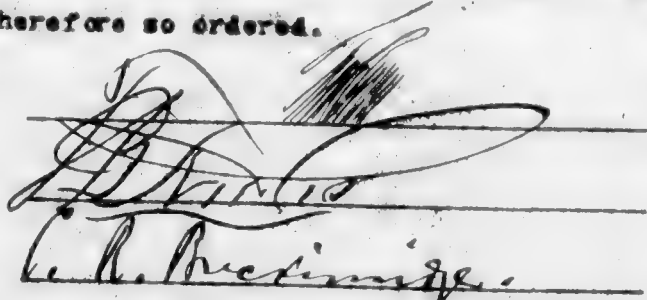
He is identified on the Cherokee Census roll of 1896.

This Commission in making rolls of citizenship of the Cherokee Nation is directed by the provisions of the Act of Congress approved June 28, 1898 to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

-2-

DECISION.

The decision of this Commission is that under the facts and the law cited William Rush is entitled, by virtue of his marriage to a Cherokee citizen, to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is therefore so ordered.



C. H. Buckinridge.
Commissioners.

Dated at Muskogee, Indian Territory,

JUL 11 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter July 23rd 1902.

In the matter of the application of William Rush for enrollment
as a citizen of the Cherokee Nation by Intermarriage.
No. Cherokee D 146.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of
the Commission rendered in the above case directing that William Rush be
enrolled as a citizen of the Cherokee Nation on July 11th 1902 and respec-
tfully requests that the same be forwarded to the Honorable Secretary of
the Interior for review.

The testimony in this case shows that the applicant William Rush is
a whiteman. That he was married to Nancy E Stout, a citizen by blood of
the Cherokee Nation in accordance with the laws of the Cherokee Nation, on
the 19th day of October 1893 and that in 1897 or 1898 he and his wife
separated and have not lived together since that time.

William Rush is the applicant, and upon him should fall the burden of
proof to show that by fair preponderance of the testimony or rather to
the satisfaction of the Commission that he is entitled to be enrolled as
a citizen of the Cherokee Nation. If the applicant ever had any rights
in the Cherokee Nation he got them at the hand of Nancy E. Stout, it was
she that conferred citizenship upon him and it was the duty of the appli-
cant in accordance with his marital vows to live with, provide for and
protect his wife. True she testifies that she left him; that he was
not at fault and that she was induced to leave him by her mother although
he does not bring a single witness to corroborate his statement notwith-
standing a right in the Cherokee Nation is at stake. His post office is
Wagoner, connected by rail with Muskogee and only fifteen miles distant.
His wife contradicts his statements flatly and swears that because of his
bad treatment, because he cursed and abused her, because he threatened to
knock her down and kick her that she was forced to leave him.

If this be true she was forced to abandon him and under section 667

of the Compiled Laws of the Cherokee Nation this man is not entitled to be enrolled as a citizen of the Cherokee Nation.

Again this woman is corroborated by the fact that the applicant himself admits that he took their child but that his wife sued for the child in the courts and gained it which is a judicial recognition of the fact that he was the cause of their separation and is furthermore a judicial settlement of the fact that he must have cursed and mistreated his wife. With these grave charges William Rush brings in nobody before the Commission to shew that the fault was not his own and we submit that if a man is cruel enough to mistreat his wife that the Commission should look with some degree of care as to his testimony particularly when a right in the Cherokee Nation is at stake. The Cherokee Constitution and laws give him a right in order to obtain jurisdiction over him and in order that he might represent his family in the political affairs of the Government and since he has forced her to abandon him the Cherokee Nation most earnestly protests against his enrollment.

The Cherokee Nation again desires to call the attention of the Honorable Secretary of the Interior to the fact that it is not considered that the Cherokee nation is a party to the making of this roll but that it is only assisting the Commission to develop all of the facts in any application and that the Commission itself is charged with the grave responsibility of making a roll and if in any case sufficient testimony is not introduced it is the duty of the Commission of its own motion to require the same. We say in this case that we do not believe this man should be enrolled upon his own uncorroborated statement when he is contradicted by his wife and when he is contradicted by the finding of the court in granting the custody of the child. He should at least have been required to have introduced additional testimony, corroborative of what he testified to as to the cause of this separation and in as much as he did not see fit to do this and in as much as the Cherokee Nation thought that the burden of proof was upon the applicant and inasmuch as he was contradicted by his former wife as well as by the judicial finding of the court it was not deemed necessary to introduce any additional testimony on the

part of the Cherokee Nation.

We submit that the applicant is not entitled to be enrolled as a citizen of the Cherokee nation upon the testimony introduced.

Respectfully submitted,

J. C. B.

Attorney for the Cherokee Nation.

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COMMUNICATIONS

HENRY L. DAVIS
TAMM HENRY
EDWARD HENRY
R. L. HENRY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

Cherokee D-146.

A. J. HENRY, ASSISTANT
CHIEF

ADDRESS ONLY THE
COMMISSION TO THE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

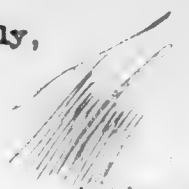
W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of William Rush for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-8.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-146

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

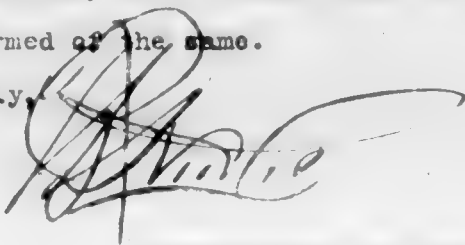
Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, granting the application of William Rush for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, a copy of which decision was furnished you on July 11th, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
JAMES DIXIE
THOMAS B. NELSON
C. R. BRECKENRIDGE

ALLISON L. ANDERSON
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SENT IN REPLY TO THE FOLLOWING

Cherokee D 146.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,


Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 11, 1902, granting the application of William Rush for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 28, 1902.

Yours truly,



Acting Chairman.

146

IN THE MATTER OF THE APPLICATION OF

William Bush ✓

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A-Original testimony- August 21, 1900

B-Mem-of application - " 21, 1900

C-Marriage License and Certificate

D-Supplemental testimony- August 24, 1900

Notice of final consideration

" Supplemental testimony- 21, 1900

Submitted

Cher D 147

Cher D 147

20 147

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 28 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVIL SERVICE IN CHIEF,
ST. GEORGE, I. T., 10th St., 1900.

THE STATE OF ILLINOIS, Joseph Phillips and wife are en-
rolled in the roll of the Civil Service, and are now in and
enrolled in the roll of the Civil Service, and are now in and

Q What is your name? A Joseph Phillips.

Q What is your age? A 47 years.

Q What is your occupation? A Clerk.

Q What is your District? A Illinois.

Q How long have you been in the Civil Service?

A Since 1891.

Q Any children? A No.

Q Do you have any property? A No.

Q Do you have any other property? A Yes.

Q How long have you been married? A 18 years.

Q How long have you been married? A 18 years.

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Q How long have you been married? A 18 years.

Q How long have you been married? A 18 years.

to get it.

The applicant is duly identified on the roll of 1896; he presented a statement from the Deputy Clerk of Illinois District, that he was issued a license in 1891, but the applicant has not that license at this time, nor can he present a copy of it, nor a certificate of marriage. At present, his application for himself will be placed on a doubtful card, and he is desired to present either the original license and certificate or a duly authenticated copy of same. He states that he and his wife did not live together during May and June of this year, but that they lived together as husband and wife from their marriage to the beginning of that time, and that they have lived together since the month of June, as husband and wife. As to the application for his wife, Rattie Phipps, she is duly identified on the authenticated roll of 1890, and the roll of 1896, and she will be enrolled at this time as a Cherokee by blood.

R. E. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing testimony and proceedings, and that same is a true, full and correct transcript of his stenographic notes in said case.

R. E. Cravens

Sworn to and subscribed before
me this 26th day of August, 1906.



COMMISSIONER.

11

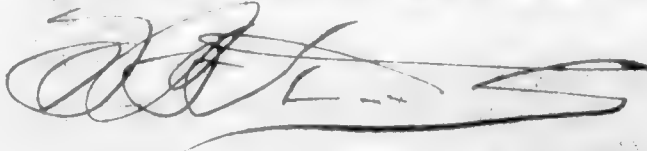
RECEIVED
APR 11 1902

D. 147.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Joseph Phipps for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he would on said day be permitted to appear before the Commission and offer any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Joseph Phipps for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by W. E. Linton, Muskogee, I. T.
Cherokee Nation represented by W. W. Hastings.

On February 3, 1902, the applicant was notified by registered letter that his application would be taken up for final consideration by the Commission at its offices on the 18th day of February, 1902. On said date the same was called, and being no appearance the record was deemed completed. It appears that the applicant did not receive the Commission's letter until after the date set for the consideration of his case. He this day appears by his attorney, W. E. Linton, and by agreement with the representative of the Cherokee Nation present the case is reopened for the purpose of permitting the applicant to introduce testimony as regards his application.

LOUISA KELL, being first duly sworn, testified as follows:

- MR. LINTON: State your name? A Louisa Kell.
- Q How old are you, Mrs. Kell? A 62.
- Q Where do you live? A Near Fort Gibson.
- Q Are you acquainted with Joe Phipps? A Yes, sir.
- Q And his wife? A Yes, sir.
- Q What is her name? A Mattie Andrews, Mattie Phipps now.
- Q What relation is she to you? A My daughter.
- Q Are they man and wife? A Yes, sir.
- Q When were they married? A 1891.
- Q Where were they married? A Fort Gibson.
- Q Did you state when? A 1891 I said.
- Q Who was present at that marriage? A Myself and this young man back here.
- Q Who married them? A Tommie Thornton.
- Q Were they married according to the Cherokee law? A Yes, sir.
- Q Did you see the marriage license? A Yes, sir, I read them.
- MR. HASTINGS: Who issued them? A Tommie Thornton.
- Q Was your daughter ever married before? A Yes, sir.
- Q What was her first husband's name? A George Piersol.
- Q Is he living? A Yes, sir.
- Q Where is he living? A He is living up above Wagoner.
- Q What was her second husband's name? A Joe Phipps.
- Q Was Joe Phipps ever married before? A No, sir, not that I know of.
- Q Your daughter ever get a divorce from her first husband? A Yes, sir.
- Q In what court? A Illinois Courthouse.
- Q Illinois Courthouse? A Yes, sir.
- Q Well, was her name Andrew? A That was her father's name.

FRANK WOFFORD, being first duly sworn, testified as follows:

- MR. LINTON: State your name? A My name is Frank Wofford.
- Q How old are you? A 35.
- Q What is your citizenship? A Cherokee.
- Q By blood or adoption? A By blood.
- Q What is your postoffice? A Fort Gibson.
- Q Cherokee Nation? A Yes, sir.

Q Do you know Joe Phipps? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q What was her name before she married? A Why before she was married her name was Mattie Andrews.
Q Do you know what her citizenship is? A I do not understand, Cherokee I guess.
Q Well, do you know whether she is a citizen or not? A I guess she is; her mammy was and her daddy was.
Q You know her to be a Cherokee by blood? A Yes, sir.
Q Well do you know about when they were married? A No, sir, I do not, I don't remember.
Q You don't remember the date, you remember of them getting married? A Yes, sir, I remember of hearing, I wasn't at the wedding.
Q Well, now, what do you know about it? A All I know I just signed his paper, signer.
Q That paper? A Singer for him to get married.
Q Recommendation for him to get married? A Yes, sir, that is all I know about it.
Q Do you know of any other Cherokees by blood that signed that petition? A Well sir, I think my brother signed it.
Q Did you see him sign it? A No, sir.
Q Did you see his name on the petition? A I never noticed whether his name was on it or not.
Q Was there any Cherokees on there besides yourself? A Yes, sir, there was some others, but I don't remember now.
Q Don't remember any names? A No, sir, don't remember any names.
Q Are they living together now as man and wife? A Yes, sir.
Q How far do they live from your place? A I guess they live about I reckon close to four or five miles, somewhere along there.
MR. HASTINGS: Well, had this woman been married before? A Yes, sir, she had been married.
Q Joe and his wife living together now? A Yes, sir, I guess they are staying together now, and been together for a good while.
Q Well, do you know? A Yes, sir, yes, sir, I know.
Q How far do you live from them? A Oh, I guess somewhere along about four or five miles.

JOHN BROWN, being first duly sworn, testified as follows:

MR. LINTON: What is your name? A John Brown.
Q Where do you live? A Northeast of here on this side of the river.
Q This your postoffice? A Yes, sir, about four miles I guess.
Q Do you know Joe Phipps? A Yes, sir.
Q And his wife? A I am not very well acquainted with his wife.
Q Do you know her when you see her? A Yes, sir.
Q Do you know about when they were married? A Yes, sir.
Q About how long ago has that been? A Something over ten years now. It was in '91 if I am not mistaken.
Q Where were they married at? A Fort Gibson.
Q Do you know who was present? A No, sir, there was several, three or four of them there, but I don't remember who they was, this woman here she was there.
Q Who married them? A Tom Thornton.
Q That was he at that time, what official? A I don't know, sir, I guess I don't know what he was then, I just went up there with him.
Q Did you see any marriage licenses there? A No, sir.
Q You never noticed any? A Never noticed any.
Q Do you remember what time of the year it was they were married? A It was in, sometime in August I believe it was.
Q Something over ten years ago? A Yes, sir.

MATTIE PHIPPS, being first duly sworn, testified as follows:

MR. LINTON: What is your name? A My name is Mattie Phipps.
Q What was your maiden name? A Mattie Andrews.
Q Well, Joe Phipps is your husband? A Yes, sir.
Q Are you and he living together now as man and wife? A Yes, sir.
Q Were you ever married before? A Yes, sir, I was married once before.
Q To whom? A George Piersoll.
Q Were you ever divorced from him? A Yes, sir.
Q In what court? A In Illinois District Court.
Q Do you remember who was the judge at the time? A No, sir, I do not.
Q Do you remember who was the clerk? A No, sir.
Q Who was your lawyer? A Dick Walker was.
Q At that time? A Yes, sir.
Q You were divorced from him before you married Joe Phipps? A Yes, sir.
Q How long have you and Joe been living together as man and wife? A We have been living together ten years.
Q Do you remember when you were married to him? A We was married in 1891, August 17, 1891.
Q What place? A Fort Gibson.
Q Who married you? A Tom Thornton.
Q What official position did he occupy? A He was clerk of Illinois District.
Q Who issued the marriage license, he? A Yes, sir.
Q Do you know where your marriage licenses are now? A No, I don't. I suppose they are at Tahlequah where they ought to be.
MR. HASTINGS: You and your husband are living together? A Yes, sir.
Q Were you living together in 1900 when he applied or was there a temporary separation? A In when?
Q In 1900? A Yes, sir.
Q Lived together in May and June? A Yes, sir.
Q Ever been any temporary separation between you? A Yes, sir. We separated once.
Q How long? A About two months.
Q Since that time you have been living together continuously? A Yes, sir.

MR. LINTON: That's all.

MR. HASTINGS: Comes now the representatives of the Cherokee Nation and move the Commission to require the applicant to file a certified copy of the decree of divorce between the applicant's wife and her first husband, that being the best testimony.

COMMISSION: The attorney for the applicant will be granted ten days in which to furnish the Commission with satisfactory proof as to the divorce between the applicant's wife, Mattie Phipps, and her former husband, George Piersoll.

The attorney for the applicant and the representative of the Cherokee Nation submit the case. The record in the same will be deemed completed when the attorney for the applicant furnishes the Commission with the information above requested, and will then be reported to the Commission for final decision based upon the evidence of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

147
IN THE MATTER OF THE APPLICATION OF

Joseph Phiggins

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony, August 21, 1900
- B. Memo of application. " 21, 1900
- C. Certificate of Dep. Clerk relative to marriage
- D. " " Ex. Sec. " issuance of license

Notice of final consideration

Order closing testimony, Feb. 19, 1902

OCT 10 1907

See volume 7

Cher D 148

Cher D 148

D/48

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 28 1900

[Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 21st, 1900.

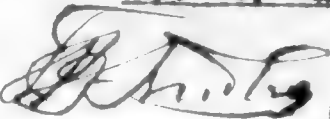
IN THE MATTER OF THE APPLICATION OF William S. Coody, for the enrollment as a citizen of the Cherokee Nation, of his Sister - half sister - Sarah Coody, and William S. Coody, being sworn by Commissioner, C. B. Breckinridge, testified as follows:

- Q What is your name? A William S. Coody.
Q What is your age? A Twenty six.
Q What is your Postoffice? A Bufaula.
Q What is your District? A Canadian.
Q For whom do you apply for enrollment? A My half sister, Sarah Coody.
Q You do not apply for yourself? A No sir.
Q Just for your half sister? A Yes sir.
Q Is she of age? A Yes sir.
Q Why does she not apply for herself; is your sister an invalid?
A Yes sir.
Q Is your sister's name Sarah J. Coody? A Yes sir.
Q This (indicating a paper handed to the Commissioner) is a duly authenticated Power of Attorney, executed June 30th, 1900; is that right? A Yes sir.
Q Before A. M. Hill, Notary Public, under the seal of his office, executed at Bufaula, in the Creek Nation? A Yes sir.
Q How old is your sister? A Forty one years old.
Q What is her Postoffice? A Bufaula.
Q Is she making her home in the Cherokee Nation? A No sir; she is living in the Creek Nation at present.
Q Has she ever lived in the Cherokee Nation? A No sir, not for quite a while; she lived here when she was real small.
Q Was your sister born in the Cherokee Nation? A I hardly know; I do not know; she drew Strip money, and Old Settler money too.
Q Is she upon any of the rolls of the Cherokee Nation? A Yes sir.
Q Is she on the roll of 1860? A I do not know.
Q What is the name of her father? A Joseph McDonald Coody.
Q Was he an Indian or white man? A Indian.
Q Is he living or dead? A Dead.
Q How long has he been dead? A About fifteen years.
Q What is the name of her mother? A Thornberry.
Q Her given name? A I do not believe I know.
Q Was her mother a Cherokee or a white woman? A White woman.
Q Is she living or dead? A Dead.
Q How long has she been dead; twenty years, or such a matter?
A Yes sir.
Q More than twenty years, do you think? A Yes sir; perhaps so.
(Sarah Coody identified on the roll of 1894, Page 148, 4689/ as Sarah J. Coody, Coovenscoowee District)
Q Was her father on the roll of 1860? A I am not sure whether he was or not.

This applicant is identified on the roll of 1894, but she is not identified on the roll of 1860, or the roll of 1896, and her application will for the present be placed on a doubtful card. The decision of the Commission, when finally rendered, will be reported to the Secretary of the Interior for his final approval, and when approved by him, it will be final. There will be reported with it, also, whatever additional testimony that may be supplied in the case.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing testimony and proceedings, and that same is a true, full and correct transcript of his stenographic notes in said case.

Sworn to and subscribed before
me this 28th day of August, 1900.

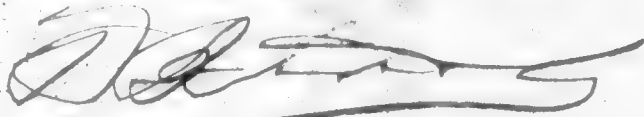
R. R. Cravens

Commissioner.

D. 148.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1908.

In the matter of the application of Sarah J. Gooday for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1908, that this case would be taken up for final consideration by the Commission on the 19th instant, and that she could on said day appear before the Commission and introduce any additional testimony affecting her case. She has been called three times and fails to respond either in person or by attorney and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sarah J. Coody as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 21, 1900, William S. Coody appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of his half-sister, Sarah J. Coody, as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant, Sarah J. Coody, was forty-one years old at the date of this application, and that she is identified on the 1894 Cherokee strip payment roll.

It does not appear that the applicant or either of her parents were ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation; but the records of this Commission show that the said Sarah J. Coody, by the name of Sarah A. Coody, on September 8, 1896, filed her original petition, under the act of June 28, 1896 (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was denied by the Commission and no appeal taken therefrom.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sarah J. Coody as a citizen by blood of the Cherokee Nation should be denied, under the provisions of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 18 1900

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-148.

Muskogee, Indian Territory, October 3, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, rejecting the application of William S. Coody for the enrollment of his half sister, Sarah J. Coody, as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-19

Chairman.

Decision

IN THE MATTER OF THE APPLICATION OF

Sarah J. Gooden

FOR ENROLLMENT

CHEROKEE CITIZENS.

A. Original testimony August 21, 1900

B. Memo of application - " 21, 1900

"Notice of final Consideration"

Order closing testimony, Feb. 19, 1902

May 11, 1904. Cancelled and No.

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Cher D 149

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 10 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 21, 1900.

In the matter of the application of Henry Hilton for enrollment as a citizen of the Cherokee Nation; said Hilton being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry Hilton.
Q Your age? A 44.
Q Your post office? A Texana.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or inter-marriage? A Inter-marriage.
Q For whom do you apply? A Just for myself.
Q What district do you live in? A Canadian.
Q Are you married? A Not now.
Q When were you married? A 1889.
Q Is your wife living? A Yes, sir.
Q What is the name of your father? A He is a non-citizen.
Q Your mother is a non-citizen too? A Yes, sir.
Q What is your wife's name? A Lucy Robinson.
Q How long did you live with her? A Pretty near three years.
Q You and her separated? A Yes, sir.
Q Is that your first marriage? A Yes, sir.
Q Have you been married since? A No, sir.
Q Have you any children living? A No, sir.
Q Do you live with your wife? A No, sir.
Q Did she abandon you? A Yes, sir.
Q When? A About 1891 or 1892.
Q She left you did she? A Yes, sir.

Mr. W. T. HAYTING S. attorney for the Cherokee Nation:

Q Did you ever get any divorce? A No, sir.
Q Who got it? A She did.
Q What was the grounds she alleged? A I do not know I was not there.
Q Where did she get it? A In Canadian district, Cherokee Nation.
Q You were duly summoned? A I was once, but the last time I was not.
Q You did not appear? A No, sir.
Q You don't know what grounds she set up--and did not take any pains to investigate? A I was not here.
Q Where were you? A A In the western part of the Creek nation.
Q When did you go out in the Creek Nation? A It must to have been the spring of 1893.
Q You left her and went out into the Creek nation? A No, sir. I went the next spring after she left me.
Q You had a house and you and she lived in it? A Yes, sir.
Q She left you and went home? A Yes, sir.
Q How long did you remain out in the Creek Nation? A I do not know exactly how long, about a year I think.
Q How long have you been down at Texana this last time; since you returned? A Since the strip payment.
Q Have you resided there continuously since 1894? A Yes, sir.
Q You have never removed? A No, sir.
Q About what year did your wife get a divorce from you? A It was while I was out there, but I am not certain what year it was; it must have been about 1890.
Q Did you have any children by her? A One.
Q Is it alive? A No, sir.
Q Died before your separation? A No, sir, shortly afterwards.

Henry Hilton --2.

Q What grounds did she allege for leaving you? A Well I do not know anything except that the old folks made her do it.

By the Commission:

Q Did you ever try to get her back? A Well she came back once.
Q What business were you engaged in when she left you? A I was farming.

Q On her farm? A It was on her own farm--we had a little farm of our own.

Applicant's wife on '80 roll; page 41, number 110, as Lucy Robinson.

The name of Henry Hilton, who applies for enrollment as an intermarried citizen, does not appear upon any of the rolls of the Cherokee nation; but he presents a license and certificate of Marriage duly certified to and under seal, certifying that he was married to Miss Lucy Robinson, a citizen of the Cherokee Nation, on the 9th day of December, 1889, and upon examination of the Records the name of Lucy Robinson is found upon the authenticated roll of 1890 and is duly identified according to page and number of said roll as indicated in the testimony. It appears from the testimony that the said Henry Hilton is not living with his wife, having been parted from her in the year 1893; having lived with her from three or four years after marriage. No satisfactory proof has been produced as to the cause of this separation. He alleges that she, his wife, applied for and obtained a divorce, that he is not cognizant of the grounds set up by his wife. Final judgment as to the enrollment of the said Henry Hilton will be suspended and his name will be placed upon a doubtful card, and when the final decision of the Commission is arrived at he will be duly identified of the same by mail. In the mean time any evidence that he desires to produce in regard to this case, he can do so and it will be received by this Commission, but it will be necessary for him to present to the Commission certified copy of the decree of the divorce and the application so that the Commission can arrive as soon as possible at the cause of the separation.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of September 190
at Pryor Creek, I.T.

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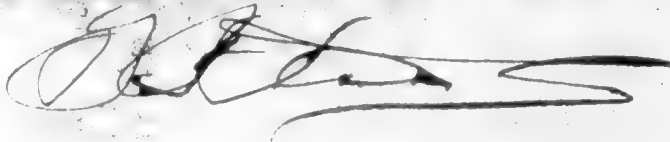
APR 21 1900

D. 149.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Henry Hilton for enrollment as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 8, 1902, that this case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said day appear and introduce any additional testimony affecting his application. He has been called three times and fails to respond, either in person or by attorney, and the case is closed.

A handwritten signature in dark ink, appearing to be 'J. H. ...', with a long horizontal flourish extending to the right.

Commissioner.

at one o'clock on July 24th 1905.

COMMISSION

State of Ohio before me, the undersigned, a Justice of the Peace for the County of Hamilton, Ohio, and I have seen and examined the foregoing and certify that the same is a true and correct copy of the original as the same appears in the records of the County of Hamilton, Ohio, and I have signed and sealed the same in presence of the parties thereto.

1905

[Handwritten signature]

1905

CHAIRMAN

NOTARY PUBLIC

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, July 17th, 1902.

In the matter of the application of Henry Helton for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D-149

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

HENRY HELTON, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Henry Helton.
Q. How old are you? A. 44.
Q. What is your post office address? A. Fort Gibson, now; at the present time.
Q. What district in the Cherokee nation are you living in? A. That is Illinois, over there, ain't it.
Q. Do you claim the right to enroll as a citizen by intermarriage of the Cherokee nation? A. Yes, sir.
Q. What is the name of your father? A. My father was named John-- John Helton.
Q. What is your mother's name? A. Matilda.
Q. Are your parents both living? A. No, sir; neither one.
Q. Were they both whites? A. Yes, sir.
Q. What is the name of your wife through whom you claim the right to enroll? A. Lucy Robinson.
Q. Was that her maiden name? A. Yes, sir.
Q. Is she living or dead? A. Living.
Q. Are you living with her? A. No.
Q. What is the name of her father? A. John Robinson.
Q. Is he living? A. No, sir.
Q. Was he a white man? A. White man.
Q. What is the name of your wife's mother? A. Nancy.
Q. Is she living? A. Yes, sir.
Q. Is she a Cherokee or white woman? A. Cherokee.
Q. How long have you been residing in the Indian Territory?
A. Born and raised here.
Q. Have you ever been outside of the Indian Territory?
A. Yes, sir.
Q. How long and for what purpose were you gone? A. Oh, just monkeying around.
Q. What do you mean by monkeying around? A. Just taking trips. I was in Oklahoma a little over a year.
Q. When? A. That has been 7 years ago, I guess.
Q. Have you been outside any time within the past seven years?
A. Well, I went to Kansas City a time or two.
Q. Where were you living four years ago last month? A. I think I was at Texanna.
Q. Have you been out of the territory since that time; within the past four years? A. No, sir.
Q. When were you married to your wife Lucy? A. 1898.
Q. Do you remember the day of the month? A. No, sir; I don't. You have got the certificate here. I left it with them at Fort Gibson two years ago.
Q. Did you appear before the Commission at that time? A. Yes, sir.
Q. For what purpose did you come before the Commission at that time?
A. To enroll.

Q. They didn't enroll you did they? A. No.
 Q. What was done with your marriage license? A. Well, they took it.
 Q. Did you apply for any one besides yourself at that time?
 A. No, sir.
 Q. We haven't any record of it. We wouldn't have taken it unless we enrolled you. Well, they took it. I asked them if they were going to keep it and they said yes.
 Q. What month was that that you were before the Commission?
 A. Well, it was while they were at Fort Gibson.
 Q. While they were camped over there? A. Yes, sir.

By Mr. Hastings:

Q. Was it August or September, 1900? A. I think it was August, two years ago this August, I think. I wouldn't be positive.
 While they were camped at Fort Gibson.
 Q. The first trip? A. Yes, sir.

By the Commission:

Q. Who married you? A. John Caswell.
 Q. Where did you get the license? A. Webbers Falls.
 Q. In Canadian district? A. In Canadian district.
 Q. Who issued the license to you? A. George Vann.
 Q. How long did you and your wife continue to reside together after you were married? A. Three years.
 Q. What was the cause of your separation? A. Just interference of her people; that is all.
 Q. Were you ever married before? A. No, sir.
 Q. Was she ever married? A. No, sir.
 Q. Were you divorced from her? A. Yes, sir.
 Q. Was the divorce granted you? A. No, sir; she got the divorce.
 Q. On what grounds? A. I don't know.
 Q. Did you appear? A. I appeared once. They put it off and never set no time. I went to Sapulpa in the Creek nation and they tried it. They never notified me to appear.

Examination by Mr. Hastings.

Q. What is your wife's present name? A. Puryear.
 Q. Is she living? A. Yes, sir.
 Q. What is her post office? A. Checotah.
 Q. How long has she lived there? A. Some where near three years.
 Q. When did you marry her? A. 1888.
 Q. Then you must have separated about 1891? A. Some where along there.
 Q. You say she had never been married before? A. No.
 Q. Did you have a place out there? A. Yes, sir.
 Q. A farm? A. Just putting in a new place.
 Q. Who continued to live on the place after the separation?
 A. Why, I bought the place from Jim Hayes.
 Q. Answer the other question? A. I don't recollect now who did live on it first.
 Q. Had you sold it before you separated? A. No, sir.
 Q. Did you sell it afterwards? A. No, just turned it back to the man I bought it from.
 Q. You didn't pay for the place? A. No, sir.
 Q. Had you any children? A. One.
 Q. Who kept the child? A. She did.
 Q. She is living? A. No, died shortly after we separated.
 Q. Did you leave the neighborhood soon after this separation?
 A. No, sir.

By the Commission:

Q. Is your name Helton or Hilten? A. Helton.
 Q. H-e-l. A. H-e-l.

The applicant is identified on the census roll of 1896 in Canadian district, page 88, #119, as Henry Helton.

By Mr. Hastings:

- Q. Did your wife remain on the place after you and she separated?
A. No, sir.
- Q. Where did she go? A. Went back to her folks.
- Q. How far did her folks live from there? A. About two miles and a half.
- Q. Where did you go? A. I went right to the next place, Dick Fields. The next place.
- Q. Was this the first separation you had ever had? A. Yes, sir.
- Q. Only one separation? A. Yes, sir.
- Q. How long did you remain in the neighborhood after that?
A. Well, that was along early in the spring and I stayed there until after I buried father in the fall.
- Q. Did you make a place on your same place? A. Well part of it.
- Q. You knew she sued you for a divorce? A. Yes, sir; later on. Yes, I appeared in court once.
- Q. It was continued to the next term? A. Yes, but they never set no time.
- Q. The next term of court you weren't there? A. No, sir; they never notified me when to come back.
- Q. What was the cause of this separation between you and your wife? A. Well, she wouldn't say. Just through her parents. They were bound on separating us and they done so.
- Q. What do you say in the cause? A. You say her parents were?
- A. Yes, sir.
- Q. Had you had any disputes that led up to this separation?
A. No, sir.
- Q. What did it commence about the day you separated? A. Not a thing on earth. Her father come over there to get her to cook for him while her mother went to the Falls. That was Saturday. Sunday evening I took her over there, to let her cook for her father while her mother went to the Falls. I took her Sunday. Monday evening she came with the wagon----
- Q. Came with the wagon? A. To take her things away.
- Q. Did she take her things away? A. Yes, sir.
- Q. You had no suspicion that she intended leaving? A. No, sir.
- Q. Did you make any effort to get her to return? A. I did, yes, sir.
- Q. Did you go to the house and ask her? A. No, sir; I wrote to her.
- Q. You wrote letters then? A. Yes, sir.
- Q. More than one? A. I don't recollect whether I wrote more than one or not.
- Q. Did you send them by anybody or through the mail? A. Through the mail.
- Q. You were never married before, or she? A. No, sir.
- Q. You have never been married since? A. No, sir.
- Q. Did you employ any lawyer or put in any answer in the divorce case? A. John Drew over here, he answer for me at the first call, and they put it off.
- Q. The Commission told you in its letter to bring some other witnesses along with you as to the cause of this separation. You didn't do that. A. Not that letter. I don't think there was.

Examination by the Commission.

- Q. Are there any witnesses by whom you could corroborate the statements you made relative to the separation from your wife?
A. Well, sir; I don't know as there is.
- Q. Is there anybody living who can testify to the cause of the separation? A. Well, I don't know but what Dick Fields could. He was the only one living close to me.

Q. Where is he now? A. He is way up in Cooweescoowus close to Kings.

Q. Where were you living when the divorce was granted? A. I was out at Sayulpa.

Q. Where did you live when you separated from your wife? A. Down near Briartown.

Q. Isn't there somebody who knows all about the separation of your self and wife? A. If there is I don't know it.

Q. Where is your wife now? A. She is at Chasctah; was the last time I knew of her.

By Mr. Hastings:

Notice is hereby given to the applicant that the Cherokee nation will summon witnesses in this case to testify as to the cause of this separation, to appear before the Commission at one o'clock on July 24th, 1902.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 19th day of July, 1902.

J. R. Renter
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 24th, 1902.

In the matter of the application of Henry Helton for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D-149.

Appearances:

Applicant appears in person.

Cherokee Nation by W. W. Hastings.

HENRY HELTON, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. Henry Helton.

Q. Do you desire to have this case continued for the purpose of introducing further testimony? A. Yes, sir.

Q. How many days do you desire? A. Well, I would like to have a week or so. I don't know when I can get him here. He was to have been here to-day but Mr. West sent him off.

By agreement of the applicant and the Cherokee Nation present this case will be continued until Saturday, August 2nd, 1902, at 1 o'clock P. M.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of July, 1902.

Jesse O. Carr
[Signature]
Notary Public.

RECEIVED
JULY 10 1902

AUG 4 1902

CHAIRMAN

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 2nd, 1902.

In the matter of the application of Henry Helton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-149.

Appearances:

Applicant appears in person.

No appearance on the part of the Cherokee Nation.

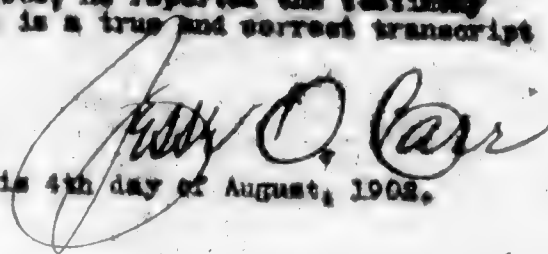
On July 24th, 1902, the applicant and W. W. Hastings appeared before the Commission at its offices in Muskogee, Indian Territory, and by agreement this case was continued until Saturday, August 2nd, 1902.

JOHN C. WEST, being duly sworn, testified as follows:—

Examination by the Commission.

- Q. What is your name? A. J. C. West—John C. West.
Q. What is your age? A. Well, right about 60.
Q. What is your post office address? A. Well—
Muskogee? A. Muskogee at present.
Q. Are you acquainted with the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. I have known him since '86.
Q. What is his citizenship; that is is he a white man or Cherokee?
A. Well, my understanding is that he is a white man.
Q. Did you know his wife? A. Yes, sir.
Q. What was her name? A. Her name was Lucy Robinson.
Q. How often was he married, do you know? A. But the one time that I know of.
Q. How long did ~~you~~ he continue to live with his wife Lucy after he was married to her? A. Well, to the best of my knowledge about a couple of years.
Q. Do you know anything about the cause of his separation? A. Nothing only from hearsay.
Q. Do you know anything from your own knowledge? A. Not personally; no, sir.
Q. Do you know whether Mr. Helton continued to reside on the place?
A. If I remember right he had no permanent home but he rented at different places and he tried to live with this woman.
Q. Do you know where she went after they separated? A. Went to her father's.
Q. Ever come back to live again? A. No, sir.
Q. Do you know whether or not he made any effort to induce her to come back? A. No, not sure. That was my understanding, that he did.
Q. Do you know anything about his treatment toward her while they were living together as man and wife? A. I never heard any complaint on his part.
Q. Did you ever hear her make any complaint as to his treatment?
A. No, never did in the world.
Q. (To applicant) Do you want to ask him any questions, Mr. Helton?
By Mr. Helton: Mr. West, what do you know about the general opinion of the separation? A. Well, my understanding is that the parents separated you and her. That is all that I knew.

Jesse O. Carr, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 4th day of August, 1908.


Notary Public.

COMMISSION TO

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 15, 1902.

In the matter of the application of Henry Hilton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

HENRY HILTON, being sworn, testified as follows:

By the Commission,

- Q What is your name, Mr. Hilton? A Henry Hilton.
Q What's your age at this time? A Will be forty-four the 17th of this month.
Q What's your postoffice? A Fort Gibson.
Q It was Texanna when you applied before, wasn't it? A Yes, sir.
Q Are you the same Henry Hilton that applied, or for whom application was made to the Commission for enrollment as an intermarried citizen in August, 1900? A Yes, sir.
Q Did you make the application yourself? A Yes, sir.
Q Your age was given at that time forty-four, was that your age two years ago? A There may be a little mistake, I was born in '58.
Q Born in '58? A Yes, sir.
Q Your correct age is forty-four now? A I think so.
Q What's your wife's name? A Her name's Lucy Robertson, it was.
Q Was she a Cherokee by blood? A Yes, sir.
Q Is she living or dead? A Living.
Q When were you married to your wife, Lucy? A In '88, I believe.
Q Is your correct name Hilton or Helton? A Helton.
Q H e l t o n? A Yes.
Q Had you ever been married before you were married to your wife, Lucy? A No, sir.
Q Had she ever been married prior to her marriage to you? A No, sir.
Q Are you and your wife, Lucy, living together now? A No, sir.
Q You are separated? A Yes, sir.
Q How long did you live together after you were separated? A As near as I recollect, near about three years.
Q About three years? A Yes, sir.
Q Then you separated about '91, is that right? A Somewhere along there.
Q Where were you living when you separated? A Living down close to Briartown.
Q In the country on a farm? A Yes, sir.
Q What was the cause of the separation? A The interference of her folks.
Q After you separated, where did you go to? A I went to one of my neighbors and finished the crop that year.
Q Where did she go to? A Back to her folks.
Q Did you both leave the house? A Yes, I left after she did.
Q After she did? A Yes, sir.
Q What time of the year was it when she left? A In the spring. I don't remember just the time of the year, we had the crop planted.
Q Did you have any falling out when she left? A No, sir.
Q She just got up and left? A Yes, sir.
Q Did she tell you she was going to leave? A No, sir. I took her over to her father's on Monday morning to cook for them, and she and her father come back and told me she was going to leave.

- Q What did they come back for, her things? A Yes, sir.
Q Did she tell you why she was going to leave? A No, sir.
Q Did you ever talk to her, try to get her to come back? A I wrote to her.
Q You wrote to her, did you? A Yes, sir.
Q Did she ever answer your letter? A No.
Q You mean to say, Mr. Helton, your wife just got up and left without having any trouble? A Never had a bit of trouble.
Q Got along nicely up to that time? A Yes, sir.
Q Did you provide for her plentifully? A Yes, sir.
Q She make any complaint of your treatment? A No, sir.
Q Did she apply for a divorce afterward? A Yes, sir.
Q To what Court did she apply, Tahlequah? A No, sir, Webbers Falls.
Q Did she get the divorce? A Yes, sir.
Q What grounds did she allege for the divorce? A I don't know.
Q Didn't she serve you with a notice? A No, sir, not the last time, they did the first time and I went there and they put it off.
Q You never found out what she charged you with? A No, sir.
Q Never found out? A No, sir.
Q Has she ever married since she got a divorce? A Yes, sir.
Q Married another man? A Yes, sir.
Q How long had you been separated before she got a divorce? A A year or two.
Q Have you ever married since the separation? A No, sir.
Q You were still a single man on the first day of September, 1902, were you? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to your wife in '88 up to the present time? A Yes, sir, only just back and forth, I was out here in the Creek Nation.
Q In the Indian Territory all the time? A Yes, sir.
Q You and your wife never had any trouble whatever before your separation? A No, sir.
Q And you stayed in the house after she left home? A Yes, sir.
Q How long? A Two or three days.
Q Two or three days? A Yes.
Q And then you went to one of the neighbors? A Yes, sir.
Q What did you do with the house when you left it? A Locked it up.
Q Shut it up? A Yes, sir.
Q Took out your things, all she had not taken? A Yes, sir.
Q Did she ever come back to the house any more after you left it? A I don't know, sir.
Q You never saw her back there any more? A No, sir.
Q She never sent you any word to come and see her or anything of the kind? A No, sir.
Q What kind of trouble did her folks make for you any way? A Well, I don't know, they were dissatisfied, they never would let us live there, they separated us.
Q What were they dissatisfied with? A With me.
Q They did not like you much? A No, sir.
Q Did they oppose your marrying the girl? A Yes, sir.
Q Did not want her to marry you in the first place? A No, sir.
Q And finally got her to leave you, is that it? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 5th day of November, 1902.

B. C. Jones
Notary Public.

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FEB 16 1905
COMMISSION TO FILE PAPERS.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HENRY HILTON as a citizen by intermarriage of the Cherokee Nation.

HENRY HILTON, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Henry Hilton.
- Q How old are you? A About 46.
- Q What is your post office address? A Collinsville.
- Q Where is that, Cherokee Nation? A Yes sir.
- Q You are a white man? A Yes sir.
- Q Claim no rights as a Cherokee by blood? A No sir.
- Q What do you claim? A Adoption.
- Q Intermarried citizen? A Yes sir.
- Q Through whom do you claim your rights? A Lucy Robinson.
- Q Was she recognized as a Cherokee? A Yes sir.
- Q When were you married? A In 1888.
- Q Have you a Tribal license? A Yes sir.
- Q Have you got it? A Have filed it with the Commission.
- Q Where were you living at the time of your marriage to her? A At Texanna in the Cherokee Nation.
- Q Where was she living? A At Briartown.
- Q How long had you been living in the Cherokee at that time? A I was born here.
- Q Was she your first wife? A Yes sir.
- Q Were you her first husband? A Yes sir.
- Q Where have you lived since your marriage to Lucy Robinson? A In the Cherokee Nation.
- Q Have you lived anywhere else? A No sir.
- Q Have you ever made your home outside of the Territory? A No sir.
- Q How long did you and she live together? A About 3 years.
- Q What took place then? A She left me.
- Q Did you get a divorce? A She did.
- Q On what ground? A I don't know I never attended.
- Q Did you remarry? A No sir.
- Q Is your wife living? A Yes sir.
- Q Has she married again? A Yes sir.
- Q What is her name now? A Puryear.
- Q What is your right name? A Helton.
- Q You don't know whether she is enrolled or not do you? A No I don't, I guess she is.
- Q Did I understand you to say that you lived in the Cherokee Nation from the time you married up until September 1, 1902? A Yes sir.

- Q When did you live in Oklahoma? A I never--I don't know what year it was.
Q Was it after your marriage? A Yes sir.
Q How long did you stay there? A Just a little while.
Q Did you ever make a home there? A No sir.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing was a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 16th day of february, 1905.

Charles H. Sawyer
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Henry Hilton

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 21, 1900

B. Memo of application - " 21, 1900

C. Certified copy of Marriage License and Certificate

D. Certified copy, record of divorce,

Notice of final consideration

Order closing testimony, Feb. 19, 1902

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 21st, 1900.

IN THE MATTER OF THE APPLICATION OF James H. Storm for enrollment
as a citizen of the Cherokee Nation, and he being sworn by Commis-
sioner, C. B. Headlee, testified as follows:

- Q What is your name? A James H. Storm.
Q What is your age? A About fifty-four.
Q What is your Postoffice? A Remona.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q What District do you live in? A Delaware District.
Q How long have you lived in the Cherokee Nation continuously?
A Ten or eleven years.
Q For whom do you apply for enrollment? A Myself.
Q Just yourself? A Yes sir.
Q Are your father and mother living? A No sir; neither.
Q Are they non citizens? A Yes sir.
Q You are a non citizen? A Yes sir.
Q What is your wife's name? A Gustie Henderson.
Q Is she living? A No sir.
Q When did she die? A Three years ago.
Q What is her father's name? A Ballard.
Q Is he living? A No sir.
Q Was he a white man or an Indian? A I do not know.
Q What is her mother's name? A I do not know.
Q Do you know whether she was an Indian or white? A No sir.
Q Were you ever called any given name besides James? A No sir.
Q When did your wife die? A Three years ago.
Q Was she enrolled in 1896? A Yes sir; she was enrolled by me;
she quit me.
Q When did she quit you? A Way before this enrollment.
Q How long before the enrollment? A Four or five years.
Q Have you been married since? A No sir.
Q What made her quit you? A I do not know; she just pulled out;
I married her true I know.
Q How long did you live with her? A Six weeks and two days.
Q Had a good time while you were at it; Did you have any children
by her? A No sir; she was too old.
Q How do you happen to marry an old Indian woman older than you?
A I just liked her; if she had not had rights, you would not have
married her? A Yes sir; I would.
Q How much older was she than you? A Seven years.
By Mr. W. W. Hastings, Cherokee Representative:
Q How long did you know her before you married her? In what dis-
trict did she live? A Sequoyah.
Q She had had a husband before? A Yes sir.
Q How many? A Two.
Q Who were they? A Hastings.
Q Did she quit him? A No sir; he quit her. He got scared up and
thought he was going to get done.
Q Why? A He had a woman in Kansas.
Q Did he get a divorce? A No sir.
Q Who was her husband before that? A Henderson.
Q Is he living? A No sir; not now.
Q He died after you married her? A Yes sir.
Q He never was divorced from her, was he? A No sir; he married
another woman.
Q He never was divorced from her? A No sir.
Q Was he living with her while you were? A No sir.
Q No divorce was granted? A No sir. He was not married accord-
ing to law; they said so.
Q They said so; who said so? A He had another woman.

- Q How do you know? A I heard so.
 Q You lived with this woman about six weeks? A Six weeks and two days.
 Q Did you have a home? A No sir.
 Q You had no place to take her? A No sir.
 Q Why did you go way off in Illinois District to enroll in 1899?
 A I had been sick, and had gotten well, or pretty near well, and they said for me to take a kind of a visit.
 Q For your health? A Yes sir.
 Q How long did you go before they commenced taking the census?
 A Not long.
 Q You made it convenient to go about that time, to enroll?
 A No sir.
 Q Why is it you came a long distance, when the Commission goes near where you live? A I wanted to go visiting; the doctors said for me to.
 Q Had you ever gone any "visiting" before 1900? A No sir.
 Q The Doctors did not tell you to? A No sir.

By the Commission:

- Q How much did you give this old woman to marry you?
 A I did not give her a cent.
 Q You did not give her twenty-five dollars to marry you?
 A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q How many children had this woman when you married her? A Two.
 Q One was named, what? A Jim.
 Q What is the other's name? A Bonnie something, I do not know what.

By the Commission:

(Applicant's wife identified on the roll of 1890, Page 205, 1122, as Susan Hastings, Delaware District)

- Q That was her name before you married her? A She turned then and went back to the name of Henderson.

- Q You married her by the name of Henderson? A Yes sir.

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By Mr. W. W. Hastings, Cherokee Representative:

- Q Just after you married her, did you not go with her to her place near Marlens Ferry in Delaware District; immediately after you married her? A Yes sir.

- Q And you lived with her there about six weeks? A Yes sir.

- Q You then left her at that place? A No sir; she left me.

- Q Do you mean to say that she got up and moved away from her own place? A No sir; it was Jim's place; I rented it for me and her to live there, Jim Henderson.

- Q But you left her there? A No sir; she left me; I stayed there two weeks after we separated; just up to that way; I stayed there a long time.

By the Commission:

(Applicant's wife identified on the roll of 1896, Page 424, 11567, as Susan Henderson, Delaware District)

- Q She died since 1896, did she? A Yes sir.

The name of Hiram M. Strong is not found on any of the rolls of the Cherokee Nation now in possession of the Commission. He presents a marriage certificate and marriage license, dated the 17th of March, 1899, issued by the Clerk of Delaware District; also a marriage certificate attached thereto, ~~stating~~ certifying that he was married to Mrs. Susan Henderson, on the 17th day of March, A.D., 1899. The testimony shows that he lived with this woman about six weeks and two days. The Commission, not being satisfied as to the citizenship of said Hiram M. Strong, account of the short time he lived with his wife, they not living with each other but six weeks

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and two days, final judgment as to the enrollment of the said Abram H. Stern is suspended and his name will be placed on a doubtful name list, White Card.


By Mr. W. W. Hastings, Cherokee Representative:

The Cherokee Representatives call attention to the fact that the testimony shows that this woman had been twice married before she married Stern, and no legal separation is shown from either of them.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true and complete transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before
me this 29th day of August, 1900.



COMMISSIONER.

Supplemental testimony to go with D Card #150.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I.T., OCTOBER 10th, 1900.

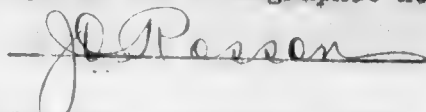
Supplemental testimony in the matter of the application of
Hiram Storm for enrollment as a citizen of the Cherokee Nation:

ELISHA HARGIS, being sworn and examined by Commissioner C.R.
Breckinridge, testified as follows:

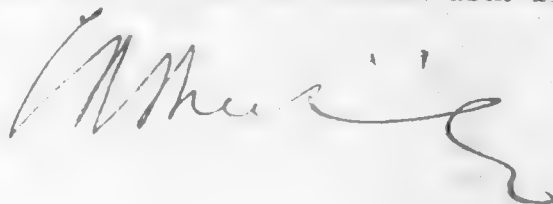
- Q Give your name there, please? A Elisha Hargis.
Q How old are you? A 63 years old.
Q How long have you lived in the Cherokee Nation? A About 20 years.
Q Do you know Mr. Storm here? A Yes, sir. I have been acquainted with him for the past five or six years.
Q Do you know his wife? A Yes, sir, very well acquainted with his wife.
Q What was her name before he married her? A Old Aunt Susie Henderson.
Q How old is she? A 65 years old, she is dead now.
Q Old woman was she? A Yes, sir.
Q Good deal older than he is? A I do not know as she was much. I was just guessing at her age.
Q They did not live together very happily, did they? A I do not suppose they did from what I heard, I am not an eye witness to that.
Q Do you know anything of their domestic life or separation? A I understood that Susan Henderson left Mr. Storm.
Q Why did she leave him? A She said he was no good.
Q Did that seem to be the general impression in the neighborhood that the old lady was about right about that? A I could not tell you. She had left a man by the name of Hogan before that.
Q You never heard of her getting a divorce from her former husband?
Q No, sir.
Q They still living? A Henderson is he is married to another woman.

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J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 11th day of October, 1900.



Commissioner.

D. 150.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1908.

In the matter of the application of Hiram M. Storm for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1908, that his case would be taken up for final consideration by the Commission on the 19th instant, and that he could on said day appear before the Commission and be given an opportunity to introduce any additional testimony affecting his case. He has been called three times, and fails to respond either in person or by attorney, and the case is closed.

A handwritten signature in dark ink, appearing to be 'J. B. ...', with a long horizontal flourish extending to the right.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 13 1902

ACTING CHAIRMAN

(Handwritten signature)
JUN 13 1902
JUN 13 1902

(Large handwritten flourish or signature)

Cher. D-150.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of Hiram N. Storm for enrollment as a Cherokee citizen.

SUPPLEMENTAL TO D-150.

Cherokee Nation represented by W. W. Hastings.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.

Q You the stenographer for the Cherokee Nation? A Yes, sir.

Q Did you attempt to get any service upon the applicant, Hiram N. Storm, that testimony would be taken by the Cherokee Nation today?

A Yes, sir.

Q What did you do? A Sent a registered letter containing a notice that testimony would be taken today. The letter was returned by the postmaster at Ramona, I. T., with the notation "Reported dead, returned to writer."

Q Was Ramona his postoffice as given in his application? A Yes, sir.

MR. HASTINGS: Comes now the Cherokee Nation and moves that it be permitted to take testimony in this case, as it is shown to be impossible to get service upon the applicant.

COMMISSION: In view of the facts above stated the request of the Cherokee Nation will be complied with and the testimony heard.

MR. HASTINGS: Do you know Hiram N. Storm? A Yes, sir.

Q How long have you known him? A Known him since about 1886.

Q How far did he live from you then? A He worked for my father and lived at the same place I did.

Q Delaware District? A Yes, sir.

Q Did you know him about the time he married this woman through whom he claims citizenship, Susan Henderson? A Yes, sir.

Q About how long did he live with her? A Near as I can recollect he lived with her about two months.

Q Did you know her before they married? A Yes, sir.

Q Had she been married previous to that time? A I don't know that; I heard she had though.

Q But you don't know? A No, sir.

Q Did he ever make any statement to you relative to paying this woman any amount to marry him? A Yes, sir.

Q What did he say he paid her? A After he left the woman he came to my father's house and it was generally talked over the country that he had paid her twenty-five dollars to marry him, and I asked him about it, and he said he did.

Q He lived with her about two months? A Yes, sir.

Q Might have been less than that time? A I thought it was about two months, not more than that time.

Q He has never lived with her since? A No, sir.

COMMISSION: Do you know anything about the cause of the separation? A No, sir.

MR. HASTINGS: Well do you know whether she continued to live at the place or not? A Yes, sir.

Q And he left that place? A He left that place and came to our house soon afterwards.

ALEXANDER COPELAND, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Alexander Copeland.

Q What is your postoffice address? A Echo.
Q Cherokee by blood? A Yes, sir.
Q You a resident of Delaware District? A Yes, sir.
Q Did you know the applicant, Hiram N. Storm? A I know Storm, yes, sir.
Q Well I mean the one that married Susan Henderson? A Yes, sir, I knowed the one that married Susan Henderson, always called him Storm, was all the name I ever knew of him.
Q Never knew his first name? A No, sir.
Q But you knew the Storm that married Susan Henderson? A Yes, sir.
Q Did you know Susan Henderson before she married this man? A Yes, sir.
Q Had she ever been married before? A Yes, sir.
Q How many times? A Twice I guess.
Q Well to whom? A Bill Henderson and Hawkins.
Q Was Henderson and Hawkins alive when she married this last man Storm? A Henderson was alive.
Q Hawkins was dead? A I don't know whether he was dead or alive, he was gone.
Q Hawkins had left? A Hawkins had left.
Q Did you know of their getting a divorce? A No, sir, I never knowed of her getting a divorce at all.
Q Hawkins had left the country? A Yes, sir.
Q And Henderson was alive was he? A Yes, sir.
Q How long after she separated from Henderson was it before she married Storm? A Why I don't know just exactly how long it was, it must have been eight or ten years.
Q Well Henderson was well recognized as a citizen up there in the country? A Henderson was a recognized citizen up there.
Q Known by all to be alive? A Yes, sir.
Q Well how far did Storm and this woman live from you when they lived together as husband and wife after their marriage? A About three miles.
Q How long did they live together? A Well I suppose about two months as well as I recollect.
Q Now which left the place when they separated? A Storm left.
Q Did this woman continue to reside there? A She stayed right there I suppose.
Q You know nothing further about the causes of the separation that led up to it? A No, I don't.
Q Do you know anything about his paying that woman any money to marry him? A I heard that he gave her twenty-five dollars to marry, I just heard it.
Q You have got no personal knowledge about it? A No, sir.
Q Who told you that? He tell you that? A No, he never told me that.
Q And she never told you? A She never told me, but it was neighborhood talk.
Q He left her and left her at the place? A He left her and left her on the place.
Q After he stayed with her about two months? A Yes, sir, after he stayed about two months.
Q That is all you know about the separation? A That is all I know about the separation.

J. C. STARR, recalled, testified:

MR. HASTINGS: You knew W. T. Henderson? A Yes, sir.
Q The former husband of this woman who afterwards married Storm, didn't you? A Yes, sir.
Q Was he alive at the time Storm and this woman married? A Yes, sir, he was.
Q Well he is now dead though isn't he? A Yes, sir.

Q About when did he die? A I think he died about '97 or '8.
Q Four or five years ago? A Yes, sir. He died in Vinita.
COMMISSIONER: Did you know anything about whether or not he was divorced from this Storm's wife, Henderson? A No, sir, I don't.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 4th day of June, 1902.

J. R. Austin
Notary Public.

Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Miran N. Storm for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

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The record in this case shows that on August 21, 1900, Miran N. Storm appeared before the Commission at Fort Gibson, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Bartlesville, Indian Territory, on October 16, 1900, and at Muskogee, Indian Territory, on May 20, 1902.

The evidence shows that the said Miran N. Storm was married under Cherokee marriage license and in accordance with the laws of the Cherokee Nation on March 17, 1899, to Mrs. Susie Henderson, a citizen by blood of the Cherokee Nation. There is some evidence that the said Susie Henderson had a living husband at the date of her marriage to the applicant.

The evidence further shows that the applicant lived with his said wife for about six weeks and that he then left her.

Section 21, of the Act of Congress approved June 25, 1900 (30 Stat., 495) provides for the enrollment of Cherokee citizens,

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 97, of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Miran N. Storm abandoned his alleged wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

James B. Bixby.

Acting Chairman.

W. L. H. H. H.

Commissioner.

H. H. H. H.

Commissioner.

at Muskogee, Indian Territory,

this NOV 20 1902

Miss [unclear]

April 27/82

My dear [unclear]

Muskogee

Your letter received
to-day

In regard to Susie
Hawkins She married
an old man from
Virginia by the name
of Hawkins He lived
with her a short time
and left her No one
knows where he went

She now was lawfully
married to W P Henderson

a few years after Hawkins
 left her. She married
 a man by the name
 of Storm. She never
 got a divorce from
 Hawkins. She was
 a going to try to get a
 divorce from Storm
 when she died.

This is all I know
 about this case

Respt

Eliza Henderson

1
Echo J. J. April the 28

Mr J. A. S. Tarr 1902

Dear Sir I am in receipt
of your letter, Susan Hawkins
did marry that man
Storm but she never have
heard of her from Mr Hawkins
are Mr Henderson that I know
of Storm did give her 25
dollars to marry him they
were together not over 2
months then he left her.
Mr A. B. Harlin may tell you
something about Mr Storm
as he was a good friend might
know something about him
Mr Hawkins has not been heard
of for 20 years or more he

2

never lived with her over
6 months and left her.
Mr Henderson was alive when
she married Mr Hawkins and
if he is dead I do not know
it. Mr Storm is not intitled
to any right.

from
Miss Catherine



WESTERN DEPARTMENT

German American Insurance Company

OF NEW YORK

EUGENE CARY, Manager
ROBERT PORTER, Asst. Manager
W. H. BAGE, 2nd Asst. Manager

APR 28 1902

190

Friend Carl,
Your letter to David L. Harlin relative
to settlement of Adrian H. Storms referred to me for answer.
We all know the woman as Susan Henderson. She lived
with W. P. Henderson for years and raised a family by him.
Then simply separated and later and afterwards
married Sam Hawkins who mysteriously disappeared.
After which she married Storm who very soon
afterwards left her where he found her above her
sawin farm near Harland's Ferry. You know
Alv. Harlin or Alex. Campbell and or both
summoned who gave sworn to all the facts
as they are. That Storm is now entitled to
settlement for two reasons; his wife was never
divorced from Hawkins and he (Storms) abandoned
his wife soon after he married her. I was not old
enough to know this fact personally but know all
by hearsay. The two witnesses above referred to
can tell you all.

Yours Resp
C. G. James

Needham D. D.

April 29, 02

Mr. J. L. Starr

Dear Sir,

In reply to your letter,
I will say that Susie
Henderson was at one
time married to Hawkins.

I do not know where
this man Hawkins is,
whether he is dead or not
I can not say.

I do know that
she (Susie Henderson) did
not have any divorce
from Henderson or
Hawkins at the time
she married this man

Storm,

(As to Storm paying
her to go to marry him
I do not know, But I
do know she remained
at home after Storm
left her.

Siley Capt. would
be a good man to write to in
regard to this man Storm.

Respt

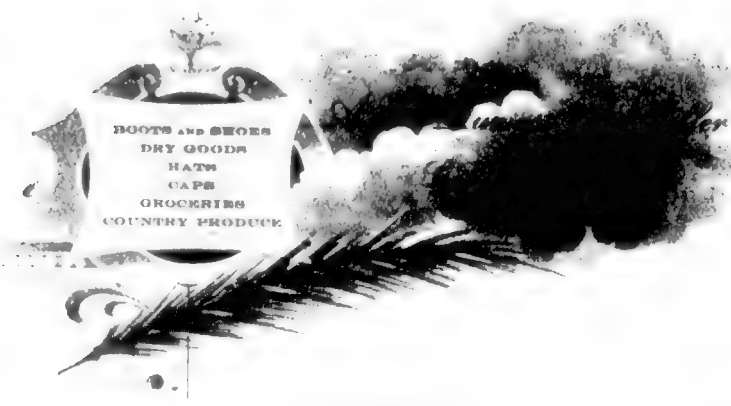
Wendell Ballou



FAIRLAND, I. T.

Apr. 30. 1902

Mr. J. Starr
 Dr Sir yors at at
 hand I am glad to
 in form you in the
 matter I was just
 sliding acquainted
 with stormes
 I lined on the
 birdigris at that
 time I had a talk
 with meolough he
 said Mrs. Hendrix
 told him that storm
 pulled out and left
 her with out any
 more now I will give
 you some names
 or parties that



FAIRLAND, I. T.

190

Around them all of
 the time and can tel
 all about it
 Ah Harlin
 Culeck choplin
 Tildia Harlin
 Mrs. Howell
 Tes folks all lived
 rite at her all of
 this time I lived out
 and at that time
 but is is ~~at~~
 mi undr Standin
 That storm lef her
 with out any cars
 Howell and Harlin has
 lived hi her far 30
 yers They can tel you

all about her and all
of her mem
any thing that I can
do I am always red
to do it your agent
Y^s Flint

NOTICE.

In the Matter of the application of Hiram N. Storm,
for enrollment as Cherokee citizens:

To Hiram N. Storm, Barona, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 20, 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this April 30th, 1902.

No. C. D. 150.

W. W. Hastings

Attorneys for the Cherokee Nation.

SECRET
HERBERT H. HARRIS
TAMM, HARRIS
TAMM, HARRIS
TAMM, HARRIS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ACTING CHAIRMAN

Cherokee D-150.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Hiram E. Storn for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-129.

DEPARTMENT OF THE INTERIOR,
COMMISSION OF THE FIVE CIVILIZED TRIBES

Cherokee D-150

Muskogee, Indian Territory, March 9, 1903.

W. W. Hastings,

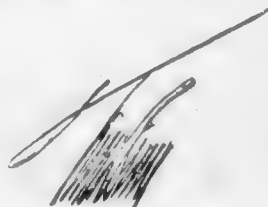
Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Hiram N. Storm for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 19, 1903.

Respectfully,



Chairman.

Alex Capeland

After 10 days, return to

MUSKOGEE, IND. T.

J. C. Starr,

Muskogee, I. T.





After 10 days, return to
C. G. JAMES,
FAIRLAND, - IND. TER.
MUSKOGEE, IND. T.



J. C. Starr,

Muskogee,

I. T.



Cherokee

D150

Hiram N. Storm.

Cancelled and transferred
to Hiram N. Storm.

D

Cher D 151

Cher D 151

1111

DEPT. OF THE INTERIOR
BAMM. CO. TO THE EXECUTIVE

FILED
JUN 20 1900

James Murray - 1.

Mr. W. F. Hastings, Representative of the Police Station: Where did she live? A. She lived at home with me.

Considerable delay: How was married after you were born to Riley.

A. That was her mother's name.

Q. What kind of name was your mother's name: you say your mother's name was Riley?

(On 1900 roll, in a C. C. Co. 1899, Riley Riley, Illinois, married.)

Q. In your father's name? A. No, sir.

Q. How many children did you have or mother? A. No, sir.

Q. How many children did you have? A. One of the children died. I never saw him since.

Mr. Hastings: Did you Riley have two children named Alice and Laura? What was your mother's name in 1900, 21 years ago? A. I don't know, I don't know Riley.

Q. Now, Riley, what was the name of the child who died in 1900, 21 years ago, the child who died?

Q. What was the name of the child who died? A. Sarah, I think.

Q. How old was she? A. About 47 or 48.

Q. How long was she in 1900? A. I think.

Mr. Hastings: Was she in Illinois District? A. Yes, sir, District.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Mr. Hastings: What was your name in 1900, 21 years ago? A. I think I was in 1900, 21 years ago, I think I was in 1900, 21 years ago, I think I was in 1900, 21 years ago.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

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Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

Q. How long was she in Illinois District? A. Yes, sir, in 1900 as Murray? A. Yes, sir, in 1900 as Murray? A. Yes, sir.

James Murray - 8.

The name of James Murray appears upon the census roll of 1880 and the pay roll of 1884. An examination of the roll does not disclose his name on the roll of 1880. He presents a marriage license and certificate in due form, certifying that he was married to Emma Weddles on the 23rd day of July, 1885, and the name of his wife, Emma, appears upon the census rolls of 1886. He avers that he has a child by said marriage named Jennie, 4 years of age, whose name also appears upon the census roll of 1886. By reason of the fact that his name does not appear upon the authenticated roll of 1880, final judgment as to his application and that of his wife and child will be suspended and his name will be placed upon a doubtful card.

—0—

Amos C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Amos C. Jones

Sworn to and subscribed before me this 20th day of August, 1900.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE INDIAN TRIBES.

REPORT OF THE

1890

5

1890

1

To be filed with D-151, James Murray.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 22, 1900.

In the matter of the application of Nannie Murray for the enrollment of herself and two children as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Nannie Murray.
Q How old are you? A I am 47 or 48.
Q What is your post office address? A Bennett, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A I guess about 1/4 maybe.
Q What district do you live in? A Canadian.
Q How long have you lived in the Canadian District? A I have lived in Canadian district about 2 years.
Q Where did you live before that? A I lived in Muskogee part of the time and I lived here some.
Q Where did you live before you came to the Canadian District, in Muskogee? A I went from here there.
Q When did you go to Muskogee? A I don't know just exactly, what year I went to Muskogee in.
Q How long have you lived in Muskogee? A Off and on, backwards and forwards, in and out of the Nation, about 16 years I guess.
Q You lived between here and the Creek Nation for the last 16 years? A Yes, sir.
Q Did you live permanently in the Cherokee Nation the last time for how long? A I have lived here I guess about 2 years at a time, and a year, just backwards and forwards.
Q You haven't been backwards and forwards for the last two years? A No, sir, I have been right in the Nation.
Q Who do you apply to enroll this morning? A I have two sons.
Q Do you want to enroll yourself? A Yes, sir.
Q Two sons under 21 years of age? A One is 19 and one is 21, he isn't able to come, he is home sick with slow fever.
Q Your father a non citizen? A Yes, sir.
Q He is not living? A No, sir.
Q Your mother a citizen? A Yes, sir.
Q What was her name? A Jane Riley.
Q Is she living? A No, sir.
Q When did she die? A She died in time of the war.
Q What is the name of the children that you want to enroll? A Malcomb Murray, 19 years old.
Q What is the name of the next one? A John Murray, 21 years old.
Q What is the reason John isn't here himself? A He is down with slow fever.
Q How long has these children lived in the Cherokee Nation, John and Malcomb? A They have lived with me all the time.
Q They have been with you all the time, in and out just as you have? A Yes, sir.
Q Your name doesn't appear upon the authenticated roll of 1880? A No, sir, I don't think it does.
Q Your name before you married was Riley? A Yes, sir.
Q When did you marry, what was the date of your marriage to your husband Murray? A It got burned up.
Q About what year were you married in? A About '68.
Q You married about 1868? A Yes, sir.
Q You lived with your husband then until his death? A Yes, sir.
Q You don't recollect about what year he died? A In 1882.
Q Your husband Murray died in 1882? A Yes, sir.
(On 1896 roll, page 54, No. 1481, Nannie Murry, Canadian District.
John Murray on 1896 roll, page 54, No. 1483, John Murry, Canadian Dist.
On 1896 roll, page 54, No. 1484, Malcomb Murry, Canadian District.

Nannie Murray on 1894 roll, page 68, No. 1471, Canadian District. Malcomb Murray on 1894 roll, page 68, No. 1474, Malcolm Murray, Canadian District.)

Q Did John draw strip money in 1894? A No, sir, they claimed they lost the papers.

The name of Nancy Murray appears upon the census roll of 1896 as well as the pay roll of 1894. The name of her son Malcomb also appears upon the census roll of 1896 and the pay roll of 1894. The name of her son John only appears upon the census roll of 1896. The name of Nannie Murray not appearing upon the authenticated roll of 1880, consequently final judgment as to her enrollment and that of her sons, Malcomb and John, will be suspended, and their names will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 28th day of August, 1900.

(Signed) T. B. Needles,

Commissioner.

SUPPLEMENTAL: D-864 and D-152.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27, 1900.

In the matter of the enrollment of Nannie Carver, and also of Nannie Murray, as Cherokee citizens; Nannie Murray being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Nannie Murray.

Q How old are you? A About 40.

Q What is your postoffice address? A Bennett.

Q You have applied for enrollment, haven't you, to the Commission? A Yes, sir, I applied at Ft. Gibson.

Q Your name was placed on a doubtful card wasn't it? A Yes, sir.

Q Now what have you to say now as to your citizenship and that of your daughter, Nannie Carver? A They sent for me to come up here and you would look into it.

Q Your name nor the name of your daughter Nannie Carver is on the 1880 roll either one of you, and there is no evidence introduced to show that you are entitled to Cherokee citizenship; now if you have any evidence to show that you are entitled to citizenship you can produce it. A There is Mr. Woodall, a relation of mine.

WILLIAM C. WOODALL, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A William C. Woodall.

- Q What is your age? A 65.
- Q What is your postoffice address? A Vinita.
- Q You are a citizen of the Cherokee Nation? A Yes, sir.
- Q Do you know Nannie Murray? A Yes, sir.
- Q What do you know in regard to her being entitled to Cherokee citizenship? A What I know about it is what I have heard among the folks; I had an uncle named Killenmoore, - I think his first name was Moore and his Cherokee name was Killer, and his children always went by the name of Killenmoore; he was a full-blood; he was my uncle; he had a daughter named Jane; she married- I wasn't very well acquainted but from what I have understood from the family she married a man named O'Riley, and this lady here is a daughter of O'Riley.
- Q This woman Nannie Murray? A Yes, sir.
- Q When was it she married Riley? A I couldn't tell you.
- Q Where was it? A I don't know.
- Q Was it in Georgia or in the Indian Territory? A It was in the Territory.
- Q Was Riley a Cherokee citizen by blood? A I don't think he was.
- Nannie Murray: No, sir, he was an adopted citizen.
- Q This Nannie Murray's mother was a Cherokee citizen by blood?
- A Yes, sir.
- Q Lived here in the Cherokee Nation? A Yes, sir.
- By W. W. Hastings, Cherokee Rep've:
- Q Are you personally acquainted with this woman's mother, Nannie Murray's mother? A I used to be.
- Q How long ago? A 51 and upwards.
- Q What became of them then? A They all died I think.
- Q Do you know where this woman was born? A No, I do not.
- Q You don't know where she has been living? A They lived here on Fourteen Mile Creek and I was raised upon Honey Creek, I was acquainted with the family, and saw them once in a while, but most I know about them was what I heard from my mother and my relations.
- Q From family history? A Yes, sir.
- Q When was the first time you ever saw this woman? A I saw her about five years ago.
- Q Where was she? A At Muskogee; she came to file a claim.
- Q You witnessed for her? A No, I didn't witness for her.

NANNIE MURRAY recalled:

- Com'r Needles:
- Q You were before the Dawes Commission four years ago were you?
- A No, sir, I went to file a claim for Settlers' money.
- Q Who before? A Mr. Keys.
- By Hastings:
- Q You didn't apply then to the Dawes Commission? A No, sir.
- Q Where were you born? A 14 mile creek, Cherokee Nation.
- Q How old are you? A I am about 40.
- Q How long have you lived on Fourteen Mile Creek? A I lived there until I was grown.
- Q Until you were about 18 or 20 years old? A Yes, sir.
- Q Where were you married? A Fort Gibson.
- Q Who were some of your neighbors there on 14 mile creek?
- A The Spears's.
- Q Who do you know at Ft. Gibson? A All the old residents I guess they are gone now, there was Frenchie Miller and his wife, and Mrs. Katie Daniels and her husband, I went to school to her.
- Q When did you move to Muskogee? A I moved to Muskogee about 10 years ago I guess.
- Q Where from? A Ft. Gibson.

Q You lived at Ft. Gibson up until 10 years ago? A No, sir, but I moved from Ft. Gibson to Muskogee and then down to Canadian.

Q You mean to say that you were born in the Cherokee Nation and you have never lived out except in Muskogee?

A No, sir, I never lived out, I travelled a right smart.

Q Where have you travelled? A In Colorado.

Q How long were you in Colorado? A About three months I guess.

Q Any other place? A In Wyoming.

Q How long? A About three months I guess.

Q Is your husband dead? A Yes, sir.

Q Where did he die? A He died in Washington.

Q State of Washington? A He died in the State of Washington.

Q Were you there with him? A No, sir.

By Com'r Needles:

Q You know why your name is not on the 1880 roll? A No, sir, I guess it was just neglected and wasn't put on, I guess I was neglected.

By Hastings:

Q What did you say your mother's name was? A Jane Killermore.
WITNESS WILLIAM G. WOODALL, recalled:

Q Her mother was your aunt? A No, sir, Killermore was my uncle, and this Jane was his daughter.

Q Who did Killermore marry? A I don't know.

Q You didn't know her mother then? A She was a white woman I think.

Applicant Nannie Murray: Grandpa's wife was a white woman.

Com'r Needles, to Nannie Murray:

Q Your mother's name was Riley? A O'Riley.

M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 28th day of November, 1900.

(Signed) T. B. Needles,

Commissioner.

S U P P L E M E N T A L T E S T I M O N Y .

"D" #182.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLEQUAH, I.T., NOVEMBER 28th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
NANNIE MURRAY et al, for enrollment as citizens of the Cherokee
Nation.

STEPHEN SPERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Stephen Spers.

Q How old are you, Mr. Spers? A About 60.

Q What is your post office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q About how much blood do you claim? A I do not know, I could not say; about half breed I guess.

Q Do you know Nannie Murray? A Yes, I knew her when she went by the name of Riley.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q What was her father's name? A John Riley. They called him Captain Riley but his name was John.

Q Do you know whether he was a Cherokee by blood? A He was adopted.

Q Do you know what her mother's name was? A Killmore.

Q How long ago was it when you knew her? A After the war and before the war; it has been about, she lived down there about '69.

Q Down where? A Fourteen mile creek.

Q In Tahlequah District? A Yes, sir.

Q You knew her in about '69? A Yes, sir.

Q Have you known her since? A I have seen her once or twice since she went to Gibson.

Q When did you see her the last time? A About 28 years ago.

Q What do you say her mother's name was? A Killmore.

Q A Cherokee by blood? A Her father was a full blood.

Q Now, do you know that this woman is the daughter of this Killmore woman? A That is what I think she is; I guess she is.

Q What I am trying to get, Steve; how old was this woman when you first knew her? A About this high.

Q About six or seven years old? A Yes, sir.

Q Was she living with this Killmore woman when you knew her? A Yes, sir, I think she died during the war.

Q You said that you knew her in '69, that has been since the war?

A I said I knew her before the war and since the war.

Q You do not know where they have been living for the last 15 or 20 years? A No, sir.

BY COM'R NEEDLES:

Q How old was this woman when you saw her the last time on Fourteen Mile Creek? A She was a young woman then.

Q How long was it from that time until you saw her again? A I could not say; I saw her at Bigson (Gibson) after she was married I saw her.

Q Did you identify her as the same woman? A Yes, sir.

Q You are satisfied now that she was the same woman? A Yes, sir.

Q Was her mother an Indian by blood? A Yes, sir.

Q Her father also? A Her father was a white man.

Q You do not know where she was about the year 1880, do you? A No, sir.

BY W. W. HASTINGS, Cherokee Representative, to the applicant, Nannie Murray: I want to ask you if you applied to the Dawes Commission for enrollment four years ago? A No, sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 28th day of November, 1900.

(Signed) T. R. Needles,
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 21st day of February, 1902.

A large, stylized handwritten signature, likely of the Commissioner, written in dark ink.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE CIVILIZED TRIBES.

FILED

SEP. 6 1902

 ASSISTANT CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of James Murray for the enrollment of himself, wife and child as citizens of the Cherokee Nation, D-151.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The said James Murray, being first duly sworn, testified before the Commission as follows:

Q What is your name? A James Murray.
Q Where do you live? A Why I live here now in Muskogee.
Q Muskogee? A Yes, sir.
Q You have heretofore made application to this Commission for the enrollment of your wife and child and yourself as citizens of the Cherokee Nation? A Yes, sir.

It is directed that all the testimony had in the matter of the applicant's mother, Nannie Murray, be filed with and made a part of the record in this application.

Q Is there any statement that you desire to make relative to your enrollment? A No, sir, I can't make any only here; only my mother's; that is all.
Q You submit this case to the Commission now for final consideration, do you? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

880
Cherokee D-115.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Jeremiah M. Harris
for enrollment as a citizen of the Cherokee Nation,

—O—

On the 13th day of August, 1900, Jeremiah M. Harris
appeared before the Commission to the Five Civilized Tribes and
made application for enrollment as a citizen by intermarriage of
the Cherokee Nation,

It appears that this applicant has died since the original
application made herein, and the application made for his enroll-
ment is dismissed without prejudice as to any future action that
may be deemed necessary or proper.

C. R. McQuinn

Commissioner.

Dated at Muskogee, Indian Territory,
March 8, 1902.

2

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1908.

In the matter of the application of Nannie Murray, for the enrollment of herself and her children, Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSUAH ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Joshua Ross.
Q What is your age ? A Sixty nine.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with the applicant in this case, Nannie Murray ? A Yes sir.
Q How long have you known her ? A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children ? A Yes sir.
Q Can you name them ? A One is, this young lady there is Mary.
Q Mary E. Weddle ? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time ? A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James ? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation ? A I think they were, yes sir, that's my impression.
Q What is the citizenship of Nannie Murray ? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation ? A No, I do not.
Q Do you know where she was living when the roll of 1880 was made ? A No sir, I do not, unless she was living here and didn't get over. Like they left me off; I went over in the district, and they promised to put me down and didn't do it--the census takers.
Q Have you ever heard her right as a Cherokee disputed ? A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her ? A Yes sir.
Q Have you known her continuously ? A Yes sir.
Q Did you know her husband ? A In a general way.
Q Have her children all resided here continuously ? A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William Mott.
Q How old are you ? A Fifty nine.
Q Where do you reside ? A Two miles east of town here.
Q Is Muskogee your post office ? A Yes sir.
Q Are you a Cherokee by blood ? A Yes sir.
Q Do you know the applicant in this case, Nannie Murray ? A Yes sir.
Q How long have you known her ? A Ever since she was a child, I guess.

Q Where was she living when you first knew her ?
A On three mile creek.
Q In the Cherokee Nation ? A Yes sir.
Q Do you know whether or not she ever left the Cherokee Nation ?
A Yes sir; she was married to a soldier, and he was ordered away, and she went with him.
Q Was that her husband, Murray ? A Yes sir.
Q Do you know where her children were born ?
A Some of them at Fort Gibson, I think.
Q Which ones, do you know ? A No sir.
Q Do you know about when it was that she left the nation with her husband ? A No sir, I don't remember that.
Q Was it prior or subsequent to 1880 ? A I don't remember, but I think it was before 1880.
Q Do you know when she came back ? A No sir.
Q Have you any idea ? A No sir, I don't know; don't have any idea.
Q Did you ever hear of her right to enrollment as a ~~citizen~~ Cherokee or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
Q Were her parents Cherokees ? A Yes sir.
Q Both of them ? A No.
Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
Q Had her mother always resided here up to the time she died ?
A I guess she had; so far as I know she did.

LIZZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lizzie Carver.
Q What is your age and post office address ?
A I will soon be thirty-two, and my post office is Muskegee.
Q Are you a daughter of Nannie Murray ? A Yes sir.
Q Where is your mother living at this time ?
A She is living here in town--in Muskegee.
Q Where were you born ? A I was born in Fort Gibson.
Q Where was your sister Mary E. Weddle, born ?
A She was born in Dakota.
Q Where was your brother James born ? A In Dakota.
Q Where was Malcomb born ? A In Colorado.
Q Where was John born ? A In Colorado.
Q When did your mother leave the Cherokee Nation ?
A Sometime, I think, between 1873 and 1874, I wouldn't be sure.
Q You were taken with her when she left ? A Yes sir.
Q Well, where did she go to at that time ? A I can't tell you, out towards where Oklahoma is now, I think.
Q What was your father's occupation ? A He was a soldier.
Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
Q And she accompanied him when his troop was removed ?
A Yes sir.
Q How long was it before your mother again came back to the Cherokee Nation ?
A I think she came back in the winter of 1880.
Q Did all these children that I named a while ago return with her at that time ? A Yes sir.
Q Did you all come back together ? A Yes sir.
Q Are all of you now residents of the Indian Territory ?
A Yes sir.

- Q Have you been residents continuously since the winter of 1880 ?
A Yes sir.
Q Have either of you, your mother, or brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Has your mother always been recognized as a citizen prior to her departure in the seventies with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the Nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q Where was your sister, who is now known as Nannie Carver, born ?
A In Dakota.
Q Did she return at the same time you all came back ? A Yes sir.
Q About how old is she now ? A Twenty-nine.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Nannie Murray, D 152; in the case of James Murray, D 151; in the case of Lizzie Carver, D 153; in the case of Mary E. Weddle, D 155; and in the case of Nannie Carver, D 864;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled case, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

J. R. Renter
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 30, 1902.

In the matter of the application of Emma Murray for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of her husband, James Murray, and her children, Jennie and Lizzie Murray as citizens by blood of the Cherokee nation.

Emma Murray being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Emma Murray.
Q How old are you? A Twenty-five.
Q What is your postoffice address? A Muskogee, I. T.
Q It was Bennett when you made your original application? A Yes sir.
Q What is your husband's name? A James Murray.
Q Is he a Cherokee by blood? A Yes sir.
Q You are a white woman? A Yes sir.
Q And an applicant for enrollment as an intermarried citizen? A Yes sir.
Q When were you married to James Murray? A In 1893.
Q Married by a preacher? A Yes, Preacher Crosby.
Q Were you ever married before you married Murray? A No sir.
Q Had he ever been married before he married you? A No sir.
Q You and he have lived together ever since your marriage until now?
A Yes sir.
Q Never separated? A No sir.
Q Were you and he living together as husband and wife on September 1st, 1902?
A Yes sir.
Q Lived in the Indian Territory all the time since your marriage to James Murray up to now? A Yes sir.
Q Has James Murray lived in the Indian Territory all the time since your marriage to him? A Yes sir.
Q Are these two children Jennie and Lizzie your children by James Murray?
A Yes sir.
Q Lived with you all the time in the Territory since they were born?
A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the above is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 12th, 1902.

W. B. Jones
Notary Public.

A

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nannie Murray et al for enrollment as Cherokee citizens, consolidating the applications of:

Nannie Murray et al	Cherokee D 152
James Murray et al	" D 151
Lizzie Carver et al	" D 153
Mary E. Weddells et al	" D 155
Lizzie Carver et al	" D 864

D E C I S I O N.

The record in these cases shows that applications were made to this Commission, at the times and places hereinafter stated, for enrollment as Cherokee citizens:

D 152 By Nannie Murray, at Fort Gibson, Indian Territory, on August 22, 1900, for the enrollment of herself and her two children, Walter and Pearl Murray, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 27, and November 28, 1900, and at Muskogee, Indian Territory, on February 12, and August 12, 1902.

D 151 By James Murray, at the time and place aforesaid, for the enrollment of himself and his minor child, Jennie Murray, as citizens by blood, and for the enrollment of his wife, Emma Murray, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 10, and October 30, 1902. On August 12, 1902, a birth affidavit was filed for Jennie Murray, a second child of the applicant, born since the original application.

D 153 By Lizzie Carver, at the time and place last mentioned, for the enrollment of herself and her two minor children, Walter and Pearl Carver, as citizens by blood of the Cherokee Nation.

D 155 By Mary E. Weddells, at the time and place last mentioned, for the enrollment of herself and her minor child, George E. Weddells, as citizens by blood of the Cherokee Nation. On August 12, 1902, a birth affidavit was filed for Beulah Weddells, a second child of the applicant, born since the date of the original application.

1884. Mary H. Carver, at Tallahassee, Indian Territory, on September 15, 1884, for the enrollment of herself and her two minor children, Joanna and Frank Carver, as citizens by blood of the Cherokee Nation.

The evidence in these cases shows that Mary H. Carver is a Cherokee Indian and that Malcolm Murray, John Murray, James Murray, Lizzie Carver, Mary E. Weddells and Annie Carver, are her children by her deceased husband, James Murray, a white man. Neither the name of Mary H. Carver nor the names of any of her children can be found on the authenticated tribal roll of 1880, and it appears from the evidence that Annie Murray and her children were not in the Cherokee Nation at the time of the preparation of such roll. On examination of the tribal rolls of the Cherokee Nation in the possession of the Commission, it appears that Annie Murray, Malcolm Murray, James Murray, Mary E. Weddells, Lizzie Carver and Annie Carver, are identified on the Cherokee pay rolls of 1883, 1886, 1890 and 1894, and on the Cherokee census rolls of 1890 and 1896, and that John Murray is identified on all of the above named rolls, excepting the roll of 1894.

John Murray, a white woman, was married to said James Murray on July 21, 1883, and Jennie and Lizzie Murray are the issue of that marriage. Mrs. Murray and her older child are identified on the Cherokee census roll of 1890, and the younger child, Lizzie, is identified by a birth affidavit being a part of this record.

Walter Carver, the child of Lizzie Carver, is identified on the pay rolls of 1890 and 1894 and on the Cherokee census rolls of 1890 and 1896. Pearl Carver, her other child, is identified on the Cherokee census roll of 1890.

George H. and Hannah Weddells are the children of said Mary E. Weddells, and they are identified by birth affidavits made a part of this record.

Annie Carver (nee Murray), was lawfully married on May 20, 1880, to Frank Carver. Joanna and Frank Carver are the issue of that marriage. Her child, Joanna, is identified on the Cherokee pay roll of 1890 and on the Cherokee census rolls of 1890 and 1896, and Frank Carver (Jr.) is identified on the Strip Payment roll of 1894 and the Cherokee census roll of 1890.

The evidence further shows that Annie Murray was born in the Cherokee Nation and lived therein until about 1873 or 1874, at which time she accompanied her husband, who was a soldier in the United States Army, to the frontier, and that she returned to the Cherokee Nation about 1880, accompanied by her children, excepting Lizzie, who was not then born. Annie Murray and all her children, excepting Lizzie Carver, have lived in Indian Territory since their return thereto. Lizzie Carver having been born subsequent to the removal of her mother to the Indian Territory, has resided therein all her life. The evidence further shows that Mrs. Murray and her husband, James Murray, have been living together from the time of their marriage to and including September 1, 1884. The residence of the minor children included in this application is considered to be that of their parents, with whom they are living.

It is, therefore, the opinion of this Commission that Nannie Murray, Melcomb Murray, John Murray, James Murray, Jennie Murray, Lizzie Murray, Lizzie Carver, Walter Carver, Pearl Carver, Mary E. Veddells, George M. Veddells, Beulah Veddells, Nannie Carver, Joanna Carver and Frank Carver (son of said Nannie Carver), should be enrolled as citizens by blood of the Cherokee Nation, and that Emma Murray should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 23, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Pixby

Acting Chairman.

(SIGNED)

I. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

Cherokee D-151.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application)
of Clara A. Ward for Enrollment as)
a citizen by blood of the Cherokee)
Nation.

PETITION FOR RE-HEARING.

TO the Honorable, The secretary of the Interior:--

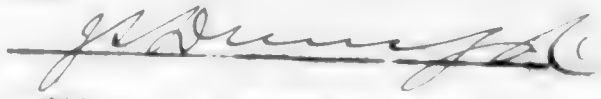
Your Petitioner Clara A. Ward, most respectfully pray that the decision and judgment of the commission to the Five Civilized Tribes rendered on the 20th., day of November, 1902., be reviewed, set aside and a re-hearing granted to her and that a decision and judgment rendered herein enrolling your petitioner as a citizen of the Cherokee Nation, and as reasons why she should be enrolled by your Honor, she says:

First:-- That the Commission erred when they held that Applicant was not entitled to be enrolled as a citizen of the Cherokee Nation, and that paragraph 9, sec. 21, of the Act of Congress of June 28" 1898", applied to and affected the right of your petitioner to be enrolled.

Second:-- That the Commission erred in holding that the Applicant was not entitled to be enrolled as a Cherokee by blood when there was no evidence to show that she had at any time abandoned her right to citizenship in the Cherokee Nation and become a citizen of any other Government.

Third:-- The Commission erred in construing the law as they did and refusing to enroll Applicant for the reasons that they found and the finding was sustained by the evidence that Applicant was a Cherokee by blood and on a roll of the Cherokee Nation as a Cherokee by blood.

Wherefore Applicant asks that the decision and judgment of the Commission be reviewed and set aside and a decision be rendered enrolling Applicant as a citizen by blood of the Cherokee Nation, Entitled to all right of Citizenship.


Attorney for applicant

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING:

Cherokee
D-151-2-3-5 and
D-864.

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

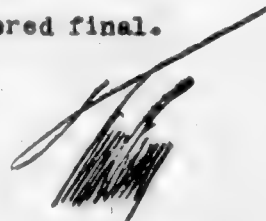
There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Nannie Murray for the enrollment of herself and her two children, Malcomb and John Murray, as citizens by blood; the application of James Murray for the enrollment of himself and his children, Jennie and Lizzie Murray, as citizens by blood and for the enrollment of his wife, Emma Murray, as a citizen by intermarriage; the application of Lizzie Carver for the enrollment of herself and her two minor children, Walter and Pearl Carver, as citizens by blood; the application of Mary E. Weddells for the enrollment of herself and her minor children, George N. and Beulah Weddells, as citizens by blood; and the application of Nannie Carver for the enrollment of herself and her two minor children, Joanna and Frank Carver, as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case,

-2-

a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. H. [unclear]", written over a series of horizontal lines.

Chairman.

Enc. M-4197

IN THE MATTER OF THE APPLICATION OF

James Murray

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 22, 1900

B. Memo of application 22, 1900

C. Marriage license and certificate

Notice of final consideration

E. Testimony from case of Mamie Murray 8/27/00

F. Order closing testimony 2/19/01



Cher D 152

Cher D 152

1

American College of Obstetricians and Gynecologists

Department of the Interior,
Washington to the Vice Civilized Tribes,
Fort Tabor, I.T., August 31, 1894.

In the letter of recommendation of David, I agree that he is an excellent help on the building, and I have no doubt that he is a very capable and intelligent worker, who is fully capable of handling the building work.

[illegible]

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NOV 23 1900

[Signature]
ACTING CHAIRMAN

8152

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 27, 1903.

In the matter of the enrollment of Nannie Murray, and also of Nannie Murray as Cherokee citizen; Nannie Murray being herein and asked by Commission a question as follows:

Q What is your name? A Nannie Murray.
Q How old are you? A About 40.
Q What is your post-office address? A Muskogee.
Q You have applied for enrollment, haven't you, to the Commission? A Yes, sir, I applied at Ft. Gibson.
Q Your name was placed on a doubtful card wasn't it? A Yes, sir.
Q Now what have you to say now as to your citizenship and that of your daughter Nannie Murray? A They sent for me to come up here and they would look into it.
Q Your name was not on the roll of your daughter Nannie Murray is on the roll, isn't it? A Yes, sir, and there is no evidence introduced to show that you are entitled to the name of Murray; now if you have any evidence to show that you are entitled to it, although you can produce it? A There is Mr. Woodall, a relative of mine.

WILLIAM C. WOODALL, being sworn and examined by the Commission, testified as follows:

Q What is your name? A William C. Woodall.
Q What is your age? A 65.
Q What is your post-office address? A Muskogee.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Nannie Murray? A Yes, sir.
Q What do you know in regard to her being entitled to the name of Murray? A What I know about it is what I have heard among the folks; I had an uncle named Williamson, - I think his name was Moore and his daughter was named Moore, and his children also a daughter the name of Williamson; he was a full-blood; he was my uncle; he had a daughter named Jane; she married - I wasn't very well acquainted but she was married from me. I had a son named Oliver, and his wife was a daughter of Oliver.
Q This woman Nannie Murray? A Yes, sir.
Q When was it she married Oliver? A I don't know.
Q Where was it? A I don't know.
Q Was it in Georgia or in the Indian Territory? A It was in the Territory.
Q Didn't she get married by law? A I don't think she was Nannie Murray; I don't, he was an adopted citizen.
Q This Nannie Murray is either was a Cherokee citizen by blood? A Yes, sir.
Q Lived here in the Cherokee Nation? A Yes, sir.
Q W. H. Hastings, Cherokee Agent?
Q And she was called acquainted with her mother's mother, Nannie Murray's mother? A I used to go.
Q How long ago? A 50 and upwards.
Q What became of them there? A They all died I think.
Q Do you know where this woman was born? A No, I do not.
Q You don't know where she has been living? A They lived down here on Bartlesville Creek and I was raised upon Honey Creek, I was acquainted with the family, and she was once in a while, but I don't know about that was what I heard from my father and my relations.
Q From family history? A Yes, sir.
Q When was she first in the Cherokee Nation? A I saw her here about five years ago.
Q Where was she? A At Muskogee; she came to fill a card.

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BEST AVAILABLE COPY

Q You did not see him here A No I did not see him here.

WITNESS HARRY AT RECALLING

Q Mr. Hadden.

Q You were before the Texas Commission on four occasions were you?

A Yes, sir, I went to file a claim for \$10,000.00 money.

Q The money? A Yes, sir.

Q You didn't apply then to the Texas Commission A Yes, sir.

Q Where were you born? A 14 mile creek, Garza County, New Mexico.

Q How long have you lived in Garza County? A I lived there until I was grown.

Q Until you were about 10 or 20 years old? A Yes, sir.

Q Where were you married? A Yes, sir.

Q Who were your neighbors there on 14 mile creek?

A The Haddens.

Q Who do you know at 14 mile? A All the old red hunters I guess they are gone now, there was Francisco Miller and his wife, and the little Miller and her husband, I went to school to her.

Q When did you move to Chicago? A I moved to Chicago about 1890.

Q Chicago I guess.

Q Where from? A Yes, sir.

Q You lived at 14 mile until 1890? A Yes, sir.

Q You moved from 14 mile to Chicago? A Yes, sir.

Q You were born in the Garza County? A Yes, sir.

Q No sir, I never lived out, I traveled a little part.

Q Where have you traveled? A In Colorado.

Q How long were you in Colorado? A About 1890 to 1895.

Q Any other place? A In Wyoming.

Q How long? A About three years I guess.

Q Where have you lived? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

Q Where did you live? A Yes, sir.

H. T. GREEN, who first duly sworn, at last that he is a stenographer to the Commission on the New Mexico Indian and correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of May 1900.

[Signature]

Commissioner.

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S U P P L E M E N T A L T E S T I M O N Y .

"D" #152.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 23th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
NANNIE MURRAY et al. for enrollment as citizens of the Cherokee
Nation:

STEPHEN SPERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Stephen Spers.
Q How old are you, Mr. Spers? A About 60.
Q What is your post office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q About how much blood do you claim? A I do not know, I could not say; about half breed I guess.
Q Do you know Nannie Murray? A Yes, I knew her when she went by the name of Riley.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q What was her father's name? A John Riley. They called him Captain Riley but his name was John.
Q Do you know whether he was a Cherokee by blood? A He was adopted.
Q Do you know what her mother's name was? A Killmore.
Q How long ago was it when you knew her? A After the war and before the war; it has been about, she lived down there about '69.
Q Down where? A Fourteen mile creek.
Q In Tahlequah district? A Yes, sir.
Q You knew her in about '69? A Yes, sir.
Q Have you known her since? A I have seen her once or twice since she went to Gibson.
Q When did you see her the last time? A About 28 years ago.
Q What do you say her mother's name was? A Killmore.
Q A Cherokee by blood? A Her father was a full blood.
Q Now, do you know that this woman is the daughter of this Killmore woman? A That is what I think she is; I guess she is.
Q What I am trying to get, Steve; how old was this woman when you first knew her? A About his high.
Q About six or seven years old? A Yes, sir.
Q Was she living with this Killmore woman when you knew her? A Yes, sir. I think she died during the war.
Q You said that you knew her in '69, that has been since the War?
A I said I knew her before the war and since the war.
Q You do not know where they have been living for the last 15 or 20 years? A No, sir.

BY COM'R NEEDLES:

Q How old was this woman when you saw her the last time on Fourteen mile creek? A She was a young woman then.
Q How long was it from that time until you saw her again? A I could not say; I saw her at Bigson, after she was married I saw her.
Q Did you identify her as the same woman? A Yes, sir.
Q You are satisfied now that she was the same woman? A Yes, sir.
Q Was her mother an indian by blood? A Yes, sir.
Q Her father also? A Her father was a white man.
Q You do not know where she was about the year 1880, do you? A No, sir.

BY W. W. HASTINGS, Cherokee Representative; to the applicant, Nannie Murray: Q I want to ask you if you applied to the Dawes Commission for enrollment four years ago? A No, sir.

Supl-Stephen Spers--2.

J. D. Renson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Renson

Subscribed and sworn to before me this 28th day of November, 1900.

[Signature]

Commissioner.

"R"

Cherokee D 152.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Nannie Murray and others for enrollment as Cherokee citizens by blood;

Appearances:

Applicant, in person;
W.W. Hastings, attorney for the Cherokee Nation.

NANNIE MURRAY being sworn and examined testified as follows:

BY COMMISSIONER:

- Q What is your name? A Nannie Murray.
Q How old are you? A I am about 52.
Q What is your post-office address? A Bennett, I. T.
Q You are an applicant before this Commission for enrollment as a Cherokee citizen? A Yes sir.
Q Is there any other statement that you desire to make relative to your enrollment as a citizen of the Cherokee Nation?
A I understand the reason I was not here my husband was a soldier and we travelled all the time, we was on the frontier around the hostile Indians.
Q Is that the reason you were not here in 1880? A Yes sir.
Q Is that the reason your name does not appear on the 1880 roll? A Yes sir.
Q How long were you away from the Territory at that time? A I don't know exactly how long.
Q About how long? A About 5 years I guess.
Q How long before 1880 did you leave the Territory? A I was out and in, we was out here at Okmulgee awhile.
Q How long before 1880 was it that you left the Cherokee Nation, what year was it in, do you remember? A '73 or '4, I don't remember.
Q How long were you gone? A I was gone about five years.
Q Then you were back here in the Cherokee Nation in 1880 were you not? A No sir, I was not back here at that time; I was in Colorado Springs.
Q When did you first come to the Cherokee Nation? A I was here in 1880, but I wasn't here at the time they enrolled.
Q Have you ever been out of the Nation since that time? A No sir.
MR. HASTINGS waives cross-examination.
Q Do you submit this case now to the Commission for final consideration? A Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 20, 1902.

[Signature]

Commissioner.

Cher B X52;

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

In the matter of the application of Nannie Murray, for the enrollment of herself, and her children Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSUAH ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Joshua Ross.
Q What is your age ? A Sixty-nine.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with the applicant in this case, Nannie Murray ? A Yes sir.
Q How long have you known her ? A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children ? A Yes sir.
Q Can you name them ? A One is, this young lady there is Mary.
Q Mary E. Weddle ? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time ? A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James ? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation ? A I think they were, yes sir, that's my impression.
Q What is the citizenship of Nannie Murray ? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation ? A No, I do not.
Q Do you know where she was living when the roll of 1880 was made ? A I expect she was living here at Muskogee.
Q Do you know why her name isn't on the roll of 1880 ? A No sir, I do not unless she was living here and didn't get over. Like they left me off; I went over in the district, and they promised to put me down and didn't do it--the census takers.
Q Have you ever heard her right as a Cherokee disputed ? A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her ? A Yes sir.
Q Have you known her continuously ? A Yes sir.
Q Did you know her husband ? A In a general way.
Q Have her children all resided here continuously ? A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William Mott.
Q How old are you ? A Fifty nine.
Q Where do you reside ? A Two miles east of town here.
Q Is Muskogee your post office ? A Yes sir.
Q Are you a Cherokee by blood ? A Yes sir.
Q Do you know the applicant in this case, Nannie Murray ? A Yes sir.

Q How long have you known her ?
A Ever since she was a child, I guess.
Q Where was she living when you first knew her ?
A On three mile creek.
Q In the Cherokee Nation ? A Yes sir.
Q Do you know whether or not she ever left the Cherokee Nation ?
A Yes sir; she was married to a soldier, and he was ordered away and she went with him.
Q Was that her husband, Murray ? A Yes sir.
Q Do you know where her children were born ?
A Some of them at Fort Gibson, I think.
Q Which ones, do you know ? A No sir.
Q Do you know about when it was that she left the nation with her husband ? A No sir, I don't remember that.
Q Was it prior or subsequent to 1880 ? A I don't remember, but I think it was before 1880.
Q Do you know when she came back ? A No sir.
Q Have you any idea ? A No sir, I don't know; don't have any idea.
Q Did you ever hear of her right to enrollment as a Cherokee, or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
Q Were her parents Cherokees ? A Yes sir.
Q Both of them ? A No.
Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
Q Had her mother always resided here up to the time she died ?
A I guess she had; so far as I know she did.

LIZZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lizzie Carver.
Q What is your age and post office address ?
A I will soon be thirty-two, and my post office is Muskogee.
Q Are you a daughter of Hammie Murray ? A Yes sir.
Q Where is your mother living at this time ?
A She is living here in town-in Muskogee.
Q Where were you born ? A I was born in Fort Gibson.
Q Where was your sister Mary E. Weddle born ?
A She was born in Dakota.
Q Where was your brother James born ? A In Dakota.
Q Where was Halsecomb born ? A In Colorado.
Q Where was John born ? A In Colorado.
Q When did your mother leave the Cherokee Nation ?
A Sometime, I think, between 1873 and 1874, I wouldn't be sure.
Q You were taken with her when she left ? A Yes sir.
Q Well where did she go to at that time ? A I can't tell you, out towards where Oklahoma is now, I think.
Q What was your father's occupation ? A He was a soldier.
Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
Q And she accompanied him when his troop was removed ?
A Yes sir.
Q How long was it before your mother again came back to the Cherokee Nation ?
A I think she came back in the winter of 1880.
Q Did all these children that I named a while ago return with her at that time ? A Yes sir.
Q Did you all come back together ? A Yes sir.

- Q Are all of you now residents of the Indian Territory ?
A Yes sir.
Q Have you been residents continuously since the winter of 1880 ?
A Yes sir.
Q Have either of you, your mother, or brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Had your mother always been recognized as a citizen prior to her departure in the seventies with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q Where was your sister, who is now known as Nannie Carver, born ?
A In Dakota.
Q Did she return at the same time you all came back ?
A Yes sir.
Q About how old is she now ? A Twenty-nine.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Nannie Murray, D 152; in the case of James Murray, D 151; in the case of Lizzie Carver, D 153; in the case of Mary E. Weddle, D 155; and in the case of Nannie Carver, D 864;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

Philip Renter
Notary Public.

D 152

IN THE MATTER OF THE APPLICATION OF

Mamie Murray et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 22, 1900
- B. mem^o of application " 22, 1900
- C. Supplemental testimony - November 29, 1900
- D. " " " 28, 1900

Notice of final consideration
Supplemental testimony and
order closing testimony 21/1/01.



Cher D 153

Cher D 153

1 153
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 20 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF Izzie Geyer and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Izzie Geyer.
Q What is your age? A Will be thirty in September.
Q What is your Postoffice? A Muskogee part of the time, and part of the time, Bennett.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What ~~degree~~ degree of blood do you claim? A About one eighth.
Q What District do you live in? A Canadian.
Q How long have you lived in Canadian District? A I can not tell exactly; off and on about - quite a while.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q How long have you lived in the Cherokee Nation? A Fourteen or fifteen years.
Q You have lived in the Cherokee Nation for the last fourteen or fifteen years? A No sir; not the last fourteen or fifteen years.
Q How long have you been living here since the last time you came here? A About three years.
Q That year did you come here the last time? A I think I moved to the Cherokee Nation in 1896.
Q Have you been living here all the time since 1896? A No sir; I moved into the Cherokee Nation in 1896.
Q Then did you move out of it again? A About 1898.
Q Where? A Muskogee.
Q When did you move back; do you not live in Muskogee now?
A No sir; I do not.
Q When did you move back to the Cherokee Nation? A I do not live in the Cherokee Nation; I live just where I can get anything to do.
Q Where do you live now? A In Kansas.
Q How long have you been there? A Went there last June.
Q For what do you apply for enrollment? A Myself and two children.
Q Are you married? A Yes sir.
Q Where is your husband? A He is in the pen.
Q Is your husband a citizen? A He is a white man.
Q Did you and your husband ever get married? A Murray.
Q When were you married? A I was married in 1896.
Q What is your mother's name? A Maude Murray.
Q Is your father living? A No sir.
Q Is your mother an Indian? A Yes sir.
Q Is she living? A Yes sir.
Q Have you any children? A Two.
Q Have you any certificate of marriage? A No sir.
Q What are the names of your children? A Walter Geyer.
Q How old is Walter? A Twelve years old.
Q What is the name of the next one? A Pearl.
Q How old is Pearl? A Seven.
Q Are these children living and living with you? A Yes sir.
Q In Kansas? A Yes sir.
Q You say you have no certificate of marriage? A No sir.
Q Were you ever married according to law? A No the Cherokee law.
Q Any law? A Yes sir.
Q Where were you married? A Muskogee.
Q United States law? A I suppose so.
By Mr. T. T. Hastings, Cherokee Representative:
Q Your oldest child is Walter? A Yes sir.
Q When was he born? A In Muskogee.
Q Where was your second child born? A In Muskogee.

Q Did you ever live outside of the Cherokee or Creek Nations, with the exception of your living in Kansas since June last, since you were married? A Yes sir; I went to Arkansas; stayed three weeks one time, and then I went to Texas and stayed eight months before that.

Q Your mother lived here in 1870, and went to Colorado and Dakota? A Yes sir.

Q She testified that she returned here about ten years ago; did you return with her? A Yes sir.

Q Did you have been living in the Cherokee and Creek Nations, with the exceptions you have mentioned, since that time? A Yes sir.

By the Commission:

What is your husband's name? A Lave Carver.

(Applicant identified in the roll of 1894, Page 16, 3445, Idaie Carver, Canadian District.)

Identify them of applicant's children:

(1894 Roll, Page 16, 3446, Walter Carver, Canadian District.)

(1894 Roll, Page 16, 3446, Pearl Carver, Canadian District.)

(Applicant identified in the roll of 1894, Page 16, 3444, Idaie Carver, Canadian District.)

(1894 Roll, Page 16, 3415, Walter Carver, Canadian District.)

The name of Idaie Carver appears on the census roll of 1896, and the pay roll of 1896, but her name is not found on the authentic roll of 1890; neither is the name of her mother found there. She swears that she was married to Lave Carver in 1875, but presents no certificate of marriage; she swears that she has two children by him, named Walter and Pearl Carver. The name of Walter is found on the census roll of 1894, and is also the name of Pearl; and the name of Walter also is found on the pay roll of 1894. The fact that her name does not appear on the authenticated roll of 1890, or the name of her mother and father; and that she presents no certificate of marriage to her husband Lave Carver, the reputed father of Walter and Pearl; final judgment is to the enrollment of the said Idaie Carver and her two children will be suspended; and their names will be placed on a doubtful card.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Craven

Sworn to and subscribed before me this 29th day of August, 1900.

[Signature]

COMMISSIONER.

11 153

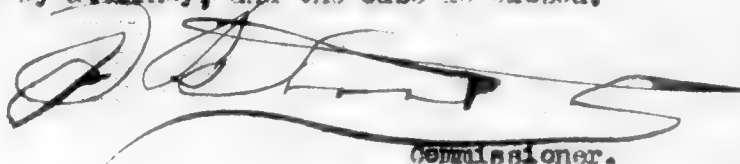
ON PARHENT
MISSISSIPPI TO NEW YORK
FIELD
MAR 11 1902

D. 153.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Lizzie Carver for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that her case would be taken up for final consideration by the Commission on the 19th instant, and that she could on said day appear and introduce any additional testimony affecting her application. She was also requested to file with the Commission evidence of her marriage. She has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

In the matter of the application of Nannie Murray, for the enrollment of herself, and her children Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSUAH ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Josuah Ross.
Q What is your age ? A Sixty-nine.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with the applicant in this case, Nannie Murray ? A Yes sir.
Q How long have you known her ? A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children ? A Yes sir.
Q Can you name them ? A One is, this young lady there is Mary.
Q Mary E. Weddle ? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time ? A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James ? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation ? A I think they were, yes sir, that's my impression.
Q What is the citizenship of Nannie Murray ? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation ? A No, I do not.
Q Do you know where she was living when the roll of 1880 was made ? A I expect she was living here at Muskogee.
Q Do you know why her name isn't on the roll of 1880 ? A No sir, I do not, unless she was living here and didn't get over. Like they left me off; I went over in the district and they promised to put me down and didn't do it--the census takers.
Q Have you ever heard her right as a Cherokee disputed ? A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her ? A Yes sir.
Q Have you known her continuously ? A Yes sir.
Q Did you know her husband ? A In a general way.
Q Have her children all resided here continuously ? A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William Mott.
Q How old are you ? A Fifty-nine.
Q Where do you reside ? A Two miles east of town here.
Q Is Muskogee your post office ? A Yes sir.
Q Are you a Cherokee by blood ? A Yes sir.
Q Do you know the applicant in this case, Nannie Murray ? A Yes sir.

- Q How long have you known her ?
 A Ever since she was a child, I guess.
 Q Where was she living when you first knew her ?
 A On three mile creek.
 Q In the Cherokee Nation ? A Yes sir.
 Q Do you know whether or not she ever left the Cherokee Nation ?
 A Yes sir; she was married to a soldier, and he was ordered away, and she went with him.
 Q Was that her husband, Murray ? A Yes sir.
 Q Do you know where her children were born ?
 A Some of them at Fort Gibson, I think.
 Q Which ones, do you know ? A No sir.
 Q Do you know about when it was that she left the Nation with her husband ? A No sir, I don't remember that.
 Q Was it prior or subsequent to 1880 ?
 A I don't remember, but I think it was before 1880.
 Q Do you know when she came back ? A No sir.
 Q Have you any idea ? A No sir, I don't know; don't have any idea.
 Q Did you ever hear of her right to enrollment as a Cherokee, or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
 Q Were her parents Cherokees ? A Yes sir.
 Q Both of them ? A No.
 Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
 Q Had her mother always resided here up to the time she died ?
 A I guess she had; so far as I know she did.

 LIZZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Lizzie Carver.
 Q What is your age and post office address ?
 A I will soon be thirty two, and my post office is Muskogee.
 Q Are you a daughter of Nannie Murray ? A Yes sir.
 Q Where is your mother living at this time ?
 A She is living here in town—in Muskogee.
 Q Where were you born ? A I was born in Fort Gibson.
 Q Where was your sister Mary E. Weddle born ?
 A She was born in Dakota.
 Q Where was your brother James born ? A In Dakota.
 Q Where was Malcomb born ? A In Colorado.
 Q Where was John born ? A In Colorado.
 Q When did your mother leave the Cherokee Nation ?
 A Some time, I think, between 1873 and 1874, I wouldn't be sure.
 Q You were taken with her when she left ? A Yes sir.
 Q Well, where did she go to at that time ? A I can't tell you, out towards where Oklahoma is now, I think.
 Q What was your father's occupation ? A He was a soldier.
 Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
 Q And she accompanied him when his troop was removed ?
 A Yes sir.
 Q How long was it before your mother again came back to the Cherokee Nation ? A I think she came back in the winter of 1880.
 Q Did all these children that I named a while ago return with her at that time ? A Yes sir.
 Q Did you all come back together ? A Yes sir.
 Q Are all of you now residents of the Indian Territory ?
 A Yes sir.
 Q Have you been residents continuously since the winter of 1880 ?
 A Yes sir.

- Q Have either of you, your mother, or brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Had your mother always been recognized as a citizen prior to her departure in the seventies with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the Nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q Where was your sister, who is now known as Nannie Carver, born ?
A In Dakota.
Q Did she return at the same time you all came back ?
A Yes sir.
Q About how old is she now ? A Twenty-nine.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Nannie Murray, D 152; in the case of James Murray, D 151; in the case of Lizzie Carver, D 153; in the case of Mary E. Weddle, D 155; and in the case of Nannie Carver, D 864;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

H. R. Renter
Notary Public.

D 153

IN THE MATTER OF THE APPLICATION OF

Singie Warner Hall

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Memo of application - " 22, 1900

Notice of final consideration

" Order closing testimony, Feb. 19, 1902



Cher D 154

Cher D 154

0 15 4
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 29 1900

[Handwritten signature]
ACTING COMMISSIONER

1041

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8331

Figure 2. Change in the number of *Chironomus tentans* eggs.

Abstract

C. App. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845,

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10-11-67 A. 11-11-67

old assistant to the Chief of Police. A "big str."

... The last film.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

... ..

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... I believe that ...

1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 26

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

... ..

4. The application will be placed upon a doubtful case, for no further consideration of the evidence to be presented; the evidence will be supplied; and the applicant is desired to explain the discrepancy with a copy of the income of divorce.

The above information being stated, all seven copies of the stenographic notes to the card given to the five civilized tribes are correctly made in the English and no change in this case and that the stenographer a true and complete transcript of his stenographic notes is made.

McGreen

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

C. H. Brewster

20:21 58.4.1. F.

April Term of the Circuit Court, Continued 1883.

Case 5.

Franklin Gritts Vs. Sarah Gritts—Suit for a divorce.

Before the Circuit Court April 30th 1883. Now comes Plaintiff by attorney and moves that the Above entitled case be continued to the next regular term of Court for the following reasons. That all lawful means have been used to obtain the evidence of an absent witness whose testimony is deemed material to his cause.

S.W. Gray, Atty for Plff.

Motion granted.

Witnesses Tom Cowan
Tom Cowan.

August Term Circuit Court Continued 1883.

~~Case 5. Franklin Gritts Vs. Sarah Gritts, Suit for a divorce.~~
Case 5. Franklin Gritts Vs. Sarah Gritts, Suit for a divorce.

At the 3d calling of the above entitled Cause, the defense failed to appear in person or by attorney. The court give judgement by default.

Witnesses present:

Ann Fish,
Tom Cowan.

~~Executive Office Cherokee Nation,~~

Executive Office Cherokee Nation,
Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the foregoing is a true true copy taken from the record for the Circuit Court of Canadian District Cherokee Nation, and is all that said record shows concern said matter; the first (motion) appearing on page 99, and second (where Judgement shows to have been given) appearing on page 101 of said record; that said record has been filed in this office by law and is in my lawful custody.

Given under my hand and the seal of the Cherokee Nation this the 8th day of February 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

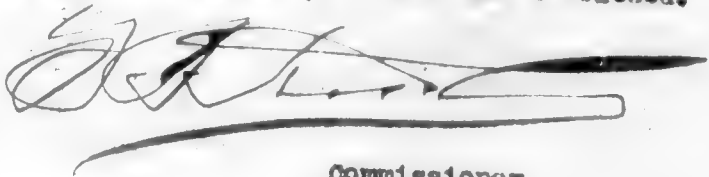
W. H. ALB. C.

U. L. M. D.
1892

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Rosa Gritts for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered mail February 3, 1902, that her case would be taken up for final consideration by the Commission on the 19th instant, and that she could on said day appear and introduce any additional testimony affecting her application. She was also notified by the representatives of the Cherokee Nation that they would on this day introduce additional testimony affecting her application. She has been called three times and fails to respond, the Cherokee Nation fails to introduce testimony tending to disprove the citizenship of the applicant, and the case is closed.



Commissioner.

COPIES TO BE MADE

FILED
JUL 10 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 7, 1903.

In the matter of the application of Rosa Gritts for the enrollment of herself as a citizen by blood of the Cherokee Nation.
Testimony in behalf of applicant.

T. J. Coward, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A T. J. Coward.
Q How old are you? A Forty years old.
Q What is your postoffice address? A Fawn is my postoffice now.
Q You made application to the Commission in August, 1900, for the enrollment of Rosa Gritts? A Yes sir.
Q How are you related to her? A I am her uncle.
Q Are you her mother's brother? A Yes sir.
Q Where was Rosa Gritts born? A She was born in about a mile - I will say two miles of Webbers Falls.
Q About how long ago? A She was born in '88.
Q Do you know the month? A She was born in February - no, January.
Q 1882? A Yes, in January I think if I aint mistaken.
Q How long did she continue to reside there after her birth? A Why she lived in the territory about two years and a half and may be three years.
Q After she was born? A Yes sir.
Q Then where was she taken? A She was taken to the State of Illinois.
Q Has she ever been back here since that time? A Yes sir, she was back here in '97, in the fall of '97; came for the purpose of enrolling; it was when the Commission first taken the rolls up to straighten them, about four years ago, the first work they done towards the Cherokees.
Q That was in '97 when they started to hear the first applications? A I don't think they were taking any new applications; they were looking over the rolls I think. I had written to her and told her they were enrolling Cherokees that were entitled and she come three weeks after the Dawes Commission had closed the books.
Q How long did she stay here at that time? A About four months.
Q Where did she go then? A Back to Illinois, back to her mother's.
Q Then since she was three years old she has only been in the Cherokee Nation one time? A Yes sir, just one time.
Q Where was she living four years ago last month, in June 1898? A She was at home with her mother in Illinois.
Q In Beardstown, Illinois? A Yes sir.
Q Were her parents divorced? A Yes sir.
Q How long after the birth of the child? A I don't recollect exactly now. It was something like about a year.
Q Who was given the custody of this child, did the court give it to the father or the mother? A Gave it to the father.
Q Is he living? A Yes sir.
Q Where does he live? A Within about three miles of Webbers Falls.
Q Has he ever contributed to the support of this child since his separation from its mother? A No sir.
Q The child has never been in his custody since the separation? A No sir.
Q She was not in the Indian Territory when you made application for her enrollment in August? A No sir, she wasn't here.

Commissioner

1880-1881

Received of

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Office
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of ROSA GRITTS, for the enrollment of herself as a citizen by blood of the Cherokee Nation:

THOMAS J. COWARD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Thomas J. Coward.
Q How old are you ? A Forty one years old.
Q What is your post office address ? A Fawn.
Q In August, 1900, you made application for the enrollment of Rosa Gritts, didn't you ? A Yes sir.
Q How old is Rosa Gritts at this time ? A She was born in 1882.
Q In 1882 ? A Yes sir.
Q She is about twenty years old at this time is she ? A Yes sir.
Q Where does she live ? A She lives in Beardstown, Illinois.
Q Where was she born ? A She was born near Webbers Falls, down here.
Q In the Cherokee Nation ? A In the Cherokee Nation.
Q How long did she live in the Cherokee Nation after she was born ?
A She was born in 1882, and left here in the latter part of the year of 1884.
Q She has never been in the Cherokee Nation to live since 1884, has she ? A No sir, not to live; she was here on a visit; she come and stayed five months with me.
Q What was the name of the mother of Rosa Gritts ?
A Sarah Coward was her maiden name.
Q What relation, if any, is her mother to you ?
A She is my sister.
Q Was her mother a white woman or a Cherokee ? A She was a white woman.
Q She didn't claim to have any rights as a citizen by blood of the Cherokee Nation, did she ? A No sir.
Q What is the name of the father of Rosa Gritts ?
A Franklin Gritts.
Q Was he married to the mother of Rosa Gritts ? A Yes sir.
Q Do you remember about what year they were married ?
A Why they was married along in the latter part of 1882.
Q How long after their marriage was it that this child was born; about how long ? A I think I have made a mistake; her mother was married to this man in 1881.
Q And how long after the marriage before this child was born, Mr. Coward, if you remember, about when ? A Why I don't know hardly; something like nine or ten months; something like that, I don't recollect.
Q This child was born while they were living together as man and wife ? A Yes sir;; no they had parted.
Q They had parted ? A Yes sir.
Q How long had they been parted when the child was born ?
A Why something like two months I reckon.
Q How long did they live together then, after they were married ?
A Why, I would judge four or five months. I don't know exactly; I don't remember the exact dates of them questions.
Q Was the mother of this child divorced from Franklin Gritts ?
A Yes sir.
Q In what court, if you know ? A They was divorced at Webbers Falls, by the Cherokee court.
Q Has this child been in the custody of her mother ever since the divorce was granted ? A Yes sir.
Q It has never been in the custody of its father at all ?
A No sir, he come to see it one time.

Q Is this girl still single ? A Yes sir.
Q Has the mother of this girl ever married since her separation from Franklin Gritts ? A Yes sir.
Q They are living in the State of Illinois ? A Yes sir.
Q And this girl is with her ? A Yes sir.
Q And has been there in Illinois since 1884 ? A Yes sir.
Q Is Franklin Gritts, the father of this girl, living at this time ? A Yes sir, supposed to be.
Q Where does he live ? A About three miles from Webbers Falls.
Q Has he married again since his divorce from your sister ? A Yes sir.
Q Is his post office Webbers Falls now ? A His post office is Gritts.

By Mr. Hastings:

Q He is a full blood Indian isn't he ? A Yes sir.
Q The birth of this child ~~must~~ led to the separation of Franklin Gritts and the child's mother, didn't it ? A No sir.
Q He claimed that this child wasn't his child, and that was the reason of the separation between them ? A It was not.
Q Well what was the cause of it ? A Well, it was, he got mad because there was another girl that was on the place at the time he got mad about--he claimed she had stole some pencils from him, and told my sister he didn't want her to associate with that girl at all. I lived in one room, and they lived in the other; and my sister goes into our house and has a chill, and when she got sick she went into her room to go to bed, and when she went to go to bed, Gritts was lying on the edge of the bed, and she went to get over him, and he told her she couldn't get up there, and she said "what is the matter"; and he said, "you know what's the matter"; and she said, "I am sick and want to lay down". Well, he pretty near slapped her; he didn't, but he made a motion like he was going to slap her, and her and him got into a fight, and when they got into the fight, she left him right there.
Q How long had they then been married ? A Why I don't recollect exactly how long they had been married.
Q Don't you know how long they lived together as husband and wife ? A About four months I think.
Q How long after their separation before this child was born ? A Well I don't know hardly; that was in the latter part of the year, sometime in the fall, and the child was born in January.
Q What time were they married ? A They was married about in June.
Q Then you admit that the child was born in less than nine months after they were married ? A No, I can't say that.
Q You say they were married in June, and the child was born in the following January ? A Well that would make it about right.
Q They lived together three or four months ? A Yes sir.
Q He is a full blood Indian ? A He is a full blood Cherokee.

By the Commission:

Q Is Franklin Gritts the only man of that name that you know that lives down there in the neighborhood of Webbers Falls or Gritts ? A Yes sir.
Q Do you know any other Cherokee in the Cherokee Nation by the name of Franklin Gritts ? A No sir, I do not.
Q About how old a man is Franklin Gritts now ? A I don't know; why I would take him to be something like fifty five.

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 18, 1902.

V. B. Jones
Notary Public.

1844

Summary

3105.

014323

1903

WILSON

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 23, 1903.

In the matter of the application of ROSA E. GRITTS, for the enrollment of herself as a citizen by blood of the Cherokee Nation:

ROSA E. GRITTS, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A Rosa E. Gritts.
Q How old are you ? A Twenty one.
Q What is your post office ? A Beardstown, Illinois.
Q Are you a Cherokee by blood ? A Yes sir.
Q What is your father's name ? A Franklin Gritts.
Q Is he living ? A Yes sir.
Q Where does he live ? A At Gritts, I. T.
Q What is your mother's name ? A Sarah Cowand.
Q Is your father a Cherokee ? A Yes sir.
Q Is your mother ? A No sir.
Q Your mother is a white woman ? A Yes sir.
Q Were your father and mother married ? A Yes sir.
Q They married and were divorced ? A Married and divorced.
Q Where were you born ? A I was born right here in the Territory.
Q In the Cherokee Nation ? A In the Cherokee Nation, yes sir.
Q How long did you live in the Cherokee Nation ?
A About three years. I was about three years old when I left here.
Q You lived with your father and mother for three years did you ?
A Yes sir.
Q Then where did you go ? A To Illinois.
Q Who took you to Illinois ? A My mother.
Q Your father and mother separated at that time ?
A Yes sir.
Q Were they divorced then ? A When she left here to go to Illinois she had been divorced.
Q When she left here with you to go to Illinois when you were three years old she had been divorced ? A Yes sir.
Q In the Cherokee courts ? A Yes sir.
Q She took you with her ? A Yes sir.
Q Have you been living in Illinois ever since ? A Ever since.
Q Has your mother married again ? A Yes sir.
Q What is her present husband's name ? A She is divorced from him, his name is Hawkshaw.
Q Did she marry him in Illinois ? A Yes sir.
Q Was he a white man ? A Yes sir.
Q How long did they live together ? A I don't know exactly.
Q Some years ? A Yes sir, three or four or five years.
Q And you say they are divorced ? A They are divorced.
Q She hasn't married again has she ? A No sir.
Q So her present name is Hawkshaw ? A Sarah Cowand, she resumed her maiden name when she was divorced.
Q Your mother is living at Beardstown, Illinois ?
A Yes sir.
Q Was that her home originally ? A Yes sir.
Q It was her home before she married Franklin Gritts ?
A Yes sir.
Q Is your father still living ?
A Yes sir.

Q Do you know if your mother was given the custody of yourself by the Cherokee court ? A I don't know.

Q All you know is that when your father and mother were divorced your mother went to Illinois and took you with her ?

A Yes sir.

Q You are not married are you ? A No sir.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell
Subscribed and sworn to before me this March 23, 1903.

Samuel Foreman

Notary Public.

Cherokee D-154.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Rosa E. Gritts as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 22, 1900, Thomas J. Coward appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of Rosa E. Gritts as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 7, and December 17, 1902, and thereafter at Vinita, Indian Territory, on March 23, 1903, Rosa E. Gritts appeared in person and submitted evidence in her own behalf for enrollment as a citizen of the Cherokee Nation.

The evidence shows that Rosa E. Gritts, at the time of this application, was eighteen years of age and was born in the Cherokee Nation. Her parents were Franklin Gritts, a Cherokee citizen by blood, and Sarah Gritts, a white woman. It appears they were married on August 28, 1881, and as a result of that marriage the applicant herein was born. It further appears that subsequent thereto said Franklin Gritts secured a divorce from his said wife, Sarah.

The evidence further shows that Rosa E. Gritts was removed from the Cherokee Nation, when she was about three years of age, by her mother to the State of Illinois where she continued to reside until 1897, when she came to the Cherokee Nation, being a minor at that time, and remained in said nation about four months, when she returned to the State of Illinois. Thereafter, in March, 1903, she again came to the Cherokee Nation. Franklin Gritts, the father of the applicant, is identified on the Cherokee authenticated roll of 1880.

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), refers to the Cherokee authenticated roll of 1880 and directs this Commission "to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon;...."

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Ora M. Camp,

et al., (I.T.D. 1418-1903), Rosa E. Gritts should be enrolled as a citizen by blood of the Cherokee Nation, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this SEP 5 - 19

ATTORNEYS:

L. B. BELL.

W. W. HASTING.

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number • D 154

Muskogee, I. T., Feb 5, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please send me a copy of the decree of divorce obtained in Canadian District perhaps eighteen years ago, between Franklin Gritts and Sarah Emeline Gritts. If any of the records of proceedings will show the cause have that inserted also.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

I have copied and send you all record shows in reference to above. The original papers of Canadian Dist. were never sent here.

ATTORNEYS:

L. B. BELL.

W. W. HASTINGS.

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

6 154

Muskogee, I. T., Feb 5, 1902.

Mr. Franklin Gritts,

Gritts, I. T.

Dear Sir:

Write me by return mail whether or not you claim to be the father of Rosa Gritts, whose mother she claimed was Sarah Kneline Coward.

Application has been made for her enrollment and it was claimed that you once married her mother and that this child was born a short time after your marriage. Write me if you know the date of your marriage and also the date of the birth of this child, and what reason have you to believe that it is not your own.

Yours very truly,

M. W. Hastings
Attorney for the Cherokee Nation.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: P. D. 184

Muskogee, I. T., Feb 6, 1902

Mr. Franklin Gritts,

Gritts, I. T.

Dear Sir:

Enclosed herewith find a subpoena for your attendance before the Dawes Commission on February 19th, 1902. Please accept service by signing your name on the back of one of the blanks where you see the red stamp and return the same to me by first mail, and advise me if you will here on the date named.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

C D. 13-4

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

FEB 17 1902

NOTICE!

IN THE MATTER OF the application of Rosa Grillo
for enrollment as Cherokee citizens:

Case No. D 154

To Rosa Grillo or Thos J Coward

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on Feb 19 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb 5 1902

W. W. Hastings
Attorneys for the Cherokee Nation.

Number of your letter

J. D. 154

C

Gritts, J. T.

Feb 8 - 1902

W. W. Hastings

Dear sir in answer to your
letter of inquiry in regard
to Miss Rosie Gritts

Will say I don't believe
she is my child because
her mother and me was
married August 28 - 1881

I mean by her mother
Sarah Emeline Cown

The child was Born
January 20 - 1882 which
makes five months from
our marriage

Frank Gritts

Per B

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-154

Muskogee, Indian Territory, September 9, 1903.

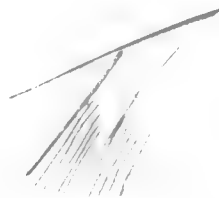
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1903, granting the application for the enrollment of Rosa E. Gritts, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Chairman.

Enc. D-9

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NIEDELS,
C. R. BRECKINRIDGE,

WM. O. BLAIR,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-154.

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 5, 1903, granting the application for the enrollment of Rosa E. Gritts as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,



Commissioner in Charge.



Mr. W. W. Hastings,

Muskogee,

I. T.

C D 154



Decision

IN THE MATTER OF THE APPLICATION OF

Rosa Grillo

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 22, 1900
- B. Memo of application - 22, 1900
- C. Affidavit of George W. Blount
- D. " " Mary Jackson
- E. " " Sarah Hatcher, nee Grillo
- F. " " H. W. Corbant
- G. " " John Connor
- H. " " Rosa Grillo
- I. Certificate of birth & marriage
- J. " " divorce

Notice of final consideration

Proof of blood of native 1/9/02

Order closing testimony, Feb. 19, 1902

April 16, 1904. Cancelled

and No. 1 Transferred to Char. 10783

See Cherokee Index

Cher D 155

Cher D 155

18 15 2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 20 1900

[Handwritten signature]



EXHIBIT OF THE INTERVIEW.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ST. CASS, I. T., AUGUST 22ND, 1900.

IN THE MATTER OF THE APPLICATION OF Mary E. Weddell and child, for enrollment as citizens of the Cherokee Nation, and also being sworn by Commissioner, W. B. Woodson, to testify as follows:

Q What is your name? A Mary E. Weddell.
Q What is your age? A Twenty-four.
Q What is your birthplace? A Dunlap, Mo.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A About one eighth.
Q How much blood do you claim? A One eighth.
Q For how long have you lived there? A Ever since I was small.
Q And lived in Canadian District? A No sir; I have lived in Indian Territory.
Q Just change your residence by husband could get work.
Q How long have you lived continuously in the Indian Territory?
A About fifteen years, I guess.
Q Where did you live, you have been living part of the time in the Canadian District of the time in the Cherokee Nation? A Yes sir, most of the time in the Cherokee Nation.
Q Where did you live before enrollment? A Dunlap and child.
Q What is your father's name? A James Murray.
Q Is he living? A No sir.
Q What is his name? A James Murray.
Q What is the name of your mother? A Mary Murray.
Q Is she living? A Yes sir.
Q Is she an Indian? A No sir.
Q Is her name on the roll of 1897? A No sir.
Q Was your name on the roll of 1897? A I guess not.
Q Is your name on the roll of 1897? A Yes sir.
Q What is your husband's name? A Thomas E. Weddell.
Q When were you married? A In 1897.
Q Is your husband living? A Yes sir.
Q Is he able to work? A Yes sir.
Q When were you married? A In 1897.
Q State law, or Cherokee law? A State law.
Q Have you certificate of marriage? A Yes sir.
Q Have you any children? A One son.
Q What is his name? A George Nelson Weddell.
Q How old is he? A Two years past.
Q Have you any certificate of birth with you? A No sir.

(Applicant identified on the roll of 1896, Page 64, #1468, Mary E. Murray, Canadian District) (1894 Roll, Page 68, #1473, Mary E. Murray, Canadian District)

The name of Mary E. Weddell appears on the census roll of 1894, as well as the pay roll of 1894, as Mary Murray. She presents a certificate in due form, certifying that she was married to T. E. Weddell on the 6th day of March, 1897. Her name does not appear on the authenticated roll of 1890; neither does that of her mother. She swears that as a result of her marriage, she has one child, George Nelson Weddell, two years old, whose name does not appear on the census roll of 1896, he having been born since same were enrolled. Her name not appearing on the authenticated roll of 1890; neither the name of her mother; final judgment as to the application of herself and child will be suspended, and her name will be placed on a "White" or "Doubtful Card". It will also be necessary for her to furnish a proper certificate and proof of the birth of said George Nelson Weddell.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he has correctly recorded the testimony and proceedings in this case, and that

-2-

the foregoing is a true and complete transcript of his stenographic notes thereof.

A. P. Craven

Subscribed and sworn to before
me this 29th day of August, 1900.

[Signature]

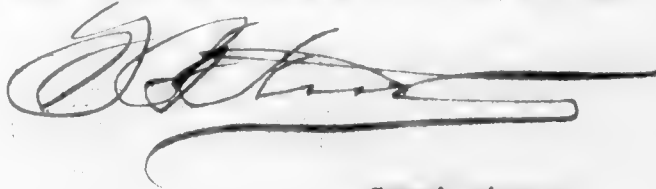
COMMISSIONER.

D. 155.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Mary E. Weddells et al to
be enrolled as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 3,
1902, that her case would be taken up for final consideration by the
Commission on the 19th instant. She has been called three times and
fails to respond either in person or by attorney, and the case is
closed.

A handwritten signature in dark ink, appearing to be 'J. H. ...', with a long horizontal flourish extending to the right.

Commissioner.

REPORT TO DIRECTOR ON 1172 VICTIMS 15, 1965

五十二

1951

[illegible]

1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 12, 1902.

In the matter of the application of Hattie Murray, for the enrollment of herself, and her children Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSHUA ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Joshua Ross.
Q What is your age ? A Sixty-nine.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with the applicant in this case, Hattie Murray ? A Yes sir.
Q How long have you known her ?
A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children ? A Yes sir.
Q Can you name them ? A One is, this young lady there is Mary.
Q Mary H. Weddle ? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time ? A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James ? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation ?
A I think they were, yes sir; that's my impression.
Q What is the citizenship of Hattie Murray ? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation ?
A No, I do not.
Q Do you know where she was living when the roll of 1880 was made ?
A I expect she was living here at Muskogee.
Q Do you know why her name isn't on the roll of 1880 ?
A No sir, I do not, unless she was living here and didn't get over. Like they left me off; I went over in the district, and they promised to put me down and didn't do it--the census takers.
Q Have you ever heard her right as a Cherokee disputed ?
A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her ? A Yes sir.
Q Have you known her continuously ? A Yes sir.
Q Did you know her husband ? A In a general way.
Q Have her children all resided here continuously ?
A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William Mott.
Q How old are you ? A Fifty-nine.
Q Where do you reside ? A Two miles east of town here.
Q Is Muskogee your post office ? A Yes sir.
Q Are you a Cherokee by blood ? A Yes sir.
Q Do you know the applicant in this case, Hattie Murray ?
A Yes sir.

Q How long have you known her ?
A Ever since she was a child, I guess.
Q Where was she living when you first knew her ?
A On three mile creek.
Q In the Cherokee Nation ? A Yes sir.
Q Do you know whether or not she ever left the Cherokee Nation ?
A Yes sir; she was married to a soldier and he was ordered away, and she went with him.
Q Was that her husband, Murray ? A Yes sir.
Q Do you know where her children were born ?
A Some of them at Fort Gibson, I think.
Q Which ones, do you know ? A No sir.
Q Do you know about when it was that she left the Nation with her husband ? A No sir, I don't remember that.
Q Was it prior or subsequent to 1880 ?
A I don't remember, but I think it was before 1880.
Q Do you know when she came back ? A No sir.
Q Have you any idea ? A No sir, I don't know; don't have any idea.
Q Did you ever hear of her right to enrollment as a Cherokee, or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
Q Were her parents Cherokees ? A Yes sir.
Q Both of them ? A No.
Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
Q Had her mother always resided here up to the time she died ?
A I guess she had; so far as I know she did.

LIZZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lizzie Carver.
Q What is your age and post office address ?
MA I will soon be thirty-two, and my post office is Muskogee.
Q Are you a daughter of Eunice Murray ? A Yes sir.
Q Where is your mother living at this time ?
A She is living here in town—in Muskogee.
Q Where were you born ? A I was born in Fort Gibson.
Q Where was your sister, Mary E. Weddles born ?
A She was born in Dakota.
Q Where was your brother James born ? A In Dakota.
Q Where was Malcolm born ? A In Colorado.
Q Where was John born ? A In Colorado.
Q When did your mother leave the Cherokee Nation ?
A Sometime, I think, between 1873 and 1874, I wouldn't be sure.
Q You were taken with her when she left ? A Yes sir.
Q Well, where did she go at that time ? A I can't tell you, out towards where Oklahoma is now, I think.
Q What was your father's occupation ? A He was a soldier.
Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
Q And she accompanied him when his troop was removed ?
A Yes sir.
Q How long was it before your mother again came back to the Cherokee Nation ?
A I think she came back in the winter of 1880.
Q Did all those children that I named a while ago return with her at that time ? A Yes sir.
Q Did you all come back together ? A Yes sir.
Q Are all of your now residents of the Indian Territory ?
A Yes sir.

- Q Have you been residents continuously since the winter of 1880 ?
A Yes sir.
Q Have either of you, your mother, or brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Had your mother always been recognized as a citizen prior to her departure in the seventies with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the Nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q Where was your sister, who is now known as Nannie Carver, born ?
A In Dakota.
Q Did she return at the same time you all came back ?
A Yes sir.
Q About how old is she now ? A Twenty-nine.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Nannie Murray, D 152; in the case of James Murray, D 161; in the case of Lizzie Carver, D 163; in the case of Mary E. Weddle, D 155; and in the case of Nannie Carver, D 844;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

[Signature]
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Mary G. Weddells & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Mem^o of application - " 22, 1900

C. Marriage License and certificate

D. Oath of affiant George A. Weddells

Notice of final consideration

Order closing testimony Feb. 19, 1902



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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application of James A. Pagan for enrollment of himself and child as citizens of the Cherokee Nation, said Pagan being duly sworn, testified as follows: (Sworn by Com'r. Brockinridge).

- Q What is your name? A James A. Pagan.
Q Your age? A 25.
Q Your postoffice? A Fort Gibson.
Q Your district? A Illinois.
Q For whom do you apply for enrollment? A Myself and one child.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A 25 years.
Q How long have you lived in Illinois district? A About 7 years.
Q Are you married in '80? A I don't know.
Q You lived in the Cherokee nation all your life- why wasn't you enrolled in '80? A I don't know.
Q What is the name of your father? A Jim Pagan.
Q Was he an Indian or white man? A White man.
Q Is he living or dead? A Dead.
Q When did he die? A About 6 years ago.
Q What is the name of your mother? A Malinda.
Q Was she an Indian or white woman? A I don't know.
Q Is she living or dead? A Dead.
Q When did she die? A 14 years ago.
Q What is the name of your child? A Luther.
Q How old is that child? A 9 years old.
Q Is it's mother dead or living? A She's living.
Q What is the name of his mother? A Mary Cordry, now- she was Mary Pagan, we separated.
Q How old is the child's mother? A About 28.
Q What was her name before you married her? A McCulley.
Q Is she a white woman or an Indian? A White woman.
Q When were you married to her? A '91.
Q Have you certificate of marriage? A No sir.
Q When did you separate from her? A '94.
Q Did you get a divorce? A No sir.
Q Just quit? A Yes.
Q How long after your marriage was this child born? A About 2 years.
Q How old were you when you were married? A About 16.
Q Was your wife enrolled in '96 and while she was still your wife?
A I don't know whether it was '96 or '94. I was not here in '96.
Q Where were you in '96? A In prison.
Q Did you draw your strip-payment money in '94? A Yes.

Applicant's child on '96 roll, page 660, number 702, as Luther Pagan.

Applicant on '96 roll, page 860, number 701, as Pagan.

Applicant's wife on '96 roll, page 926, number 65, as Mary A.

Applicant on '94 roll, page 772, number 629, as Pagans.

This applicant applies as a native Cherokee. He is not identified on the roll of '80 nor can his mother be identified on that roll. He is identified, as shown in the testimony, upon the rolls of '94 and '96. His child is identified upon the roll of '96. For further consideration the application of both the father and child will be placed upon a doubtful card for the present, and the final decision of the Commission will be made known to the applicant at his postoffice address. That decision with the evidence taken in this case will be transmitted to the Secretary of the Interior, whether it be favorable or unfavorable for his final action.

It now appears from the printed data in the possession of the representatives of the Cherokee Nation, that James A. Pagan was ad-

mitted to citizenship by the Cherokee Commission September 28, 1883.
He is desired to supply this Commission with either the original or
a certified copy of his certificate of admission, and also that of
the evidence of his marriage to his wife Mary McNalley, and
of the length of time they lived together as husband and wife.

The undersigned, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a full, true and correct transcript of his stenographic
notes thereof.

Brewer McNalley

Subscribed and sworn to before me this 10th day of August, 1900.

[Signature]

Commissioner.

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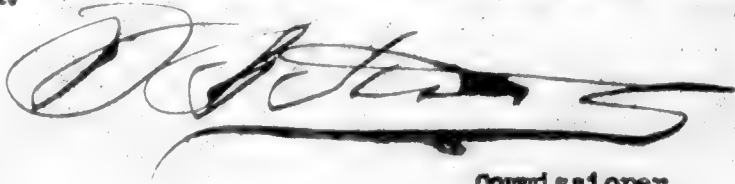
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of James A. Fagin for the enrollment of himself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear and introduce any additional testimony affecting his application. He was especially requested to supply the Commission with a certificate of his readmission to citizenship in the Cherokee Nation. Also evidence of his marriage to the mother of his child. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James A. Fagan, et.al.
for enrollment as Cherokee citizens.

On the 22nd day of August, 1900, James A. Fagan appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Luther Fagan, as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence their names were placed upon a "Doubtful" card.

The Cherokee printed list of persons admitted and re-admitted to citizenship in the Cherokee Nation shows that James A. Fagan was admitted to citizenship in the Cherokee Nation on the 28th day of September, 1883.

The records of this Commission also show that Malinda Fagan, his mother, was admitted to citizenship in the Cherokee Nation, by a Cherokee Commission on Citizenship on the said 28th day of September, 1883. James A. Fagan was then eight years old.

He testifies that he was married in 1891 to Mary McGully. He presents no certificate of marriage, but ~~as~~ his wife is identified on the Cherokee Census roll of 1896 as Mary Fagan. He has lived in the Cherokee Nation all his life and is identified on the strip payment roll of 1894 and the Cherokee Census roll of 1896. His child Luther is the issue of his marriage with his wife Mary, and he is also identified on the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names

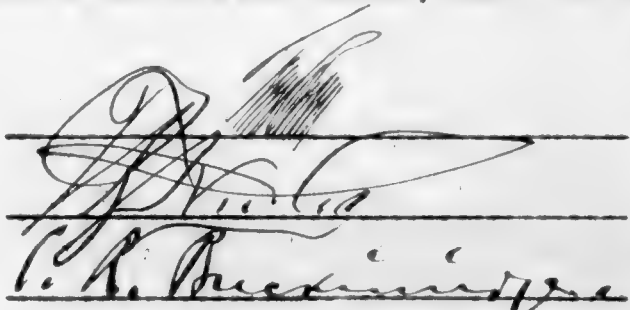
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are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

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In view of the facts and the law cited the Commission decides that James A. Fagan and his child, Luther Fagan, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.

A handwritten signature in dark ink, appearing to read "C. R. Buckmaster", is written over two horizontal lines.

Commissioners.

Dated at Muskogee, Indian Territory,

APR 23 1902

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee I. T. April 30th 1902.

In the matter of the application of James A Pagan et al for enrollment
as citizens of the Cherokee Nation.

Cherokee Number D 156.

Protest of the Cherokee Nation.

The Cherokee Nation protests against the decision of the Commission
to the Five Civilized Tribes rendered in this case on April 23rd 1902 and
prays an appeal to the Honorable Secretary of the Interior.

We submit that this is a very peculiar case, the applicant claims
that he was twenty-five years of age when he made this application and
that his child Luther for whom he applied was nine years of age at that
time hence must have been born in 1891 when the father was only sixteen
years of age which would have made his father fifteen years old when
he married the mother of applicant.

There is no proof whatever of marriage between James A Pagan and the
mother of Luther although the said James A Pagan was notified by the
Commission at the time he applied to be enrolled as well as when the
notification was sent him of the date of the closing of this case that
it was very necessary that he present proof of a marriage to his wife,
the mother of Luther.

As above observed no attempt was made to prove it, neither does Pagan
present any proof to the Commission that he was admitted in 1883 but the
Commission finds from a printed list that he was admitted yet this has
never been heretofore deemed as evidence of his admission but each appli-
cant has been required to furnish a certified copy of the act readmitting
him so as to see whether or not there were any conditions imposed upon the
applicant.

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We submit that the age of James A Fagan as well as that of his child surrounds this case with a considerable degree of mystery and doubt and that clearly Luther Fagan should not be admitted to citizenship in the Cherokee Nation without some additional proof tending to show a marriage between his parents.

Respectfully submitted,

J. C. S.

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
H. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-156

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of James A. Fagen et al, No. D-156, for enrollment as citizens of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said James A. Fagen et al, as citizens of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicants will be regularly listed for enrollment by this Commission.

Yours truly,


Acting Chairman.

Encl. D-156.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-156.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1902.

r. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 23, 1902, in the matter of the application of James A. Fagan for the enrollment of himself and son, Luther Fagan, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 5th day of June, 1902.

Respectfully,


Acting Chairman.

D. 156

IN THE MATTER OF THE APPLICATION OF

James A. Sagan et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Mem^o of application - " 22, 1900

Notice of final consideration

C. Order closing testimony, Feb. 19, 1902

D. Undersigned's letter

Filed for 1902

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application of Mollie Shepard for enrollment of herself, husband and child, as citizens of the Cherokee Nation, said Shepard being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Mollie Shepard.
Q Your age? A 34.
Q Your postoffice? A Checotah.
Q Your district? A Canadian.
Q For whom do you apply for enrollment? A Myself, one child and husband.
Q Apply for yourself as a Cherokee by blood? A Yes.
Q Is your husband a Cherokee by blood? A No sir, by adoption.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived in Canadian district? A About 8 years.
Q When did you marry? A '92.
Q What is your husband's name? A Albert Shepard.
Q How old is he? A 54.
Q Have you marriage license and certificate? A I have it here.
Q Where is your husband? A About 7 miles from Checotah in the Creek Nation.
Q He got regular license when he married you? A Yes.
Q To be married according to Cherokee law? A Yes.
Q And certificate of marriage to whom he was married? A Yes.
Q Did he have that recorded? A Yes.
Q And he has them still? A Yes.
Q And you and your husband lived together ever since you married? A No sir, separated three years.
Q What three years was that? A '96, '97 and '98-- I went back in February this year.
Q Did he leave you or did you leave him? A I left him.
Q Never got a divorce? A No sir.
Q Is your husband at your home now? A Yes.
Q Did you have any conversation with your husband about coming in and applying for the family? A No sir, I always registered for the family, and he said I could do it now.
Q What is the name of your child? A Elizabeth, 9 years old.
Q On '96 roll, page 69, number 1891.
Q What is the name of your father? A Jim Talley.
Q Indian or white man? A Indian.
Q Living or dead? A dead.
Q When did he die? A About '73 I think.
Q What is the name of your mother? A Bettie Talley.
Q Indian or white woman? A Indian.
Q Living or dead? A Living.
Q What is the name of your husband's father? A I don't know.
Q Do you know the name of his mother? A No sir.
Applicant on '80 roll as Mollie Talley, page 589, number 18-94.
On '96 roll, page 69, number 1890, as Shepard.
Applicant's husband on '96 roll, page '93, number 270.
Q Have you anyone here who knows that you and your husband have lived together as husband and wife? A Yes, my brother.

SIBUD TALLEY, being sworn, testified as follows:

- Q What is your name? A Sibud Talley.
Q Are you a brother of Mary Shepard's? A Yes.
Q When did she and her husband, Albert Shepard, marry? A In '92 I believe.

Q Are you sure that they did not marry before '92? A No sir, I think it was '92.
 Q How about that 9 year old child? A It is not his; it is a child she had before she married him.
 Q Do you know that that child is the child of your sister here?
 A Yes.
 Q That child was born out of wedlock was it? A Yes.
 Q She was not married at all? A No sir.
 Q You know it to be her child? A Yes, it was born at my mother's house and I was there.
 Q It has been living with your sister ever since it was born? A Yes.

APPLICANT'S TESTIMONY CONT'D:

Q Was this man ever married to your aunt? A Yes.
 Q When? A '77.
 Q She is dead? A Yes.
 Q When did she die? A Sometime about '90 I think.
 Q What was her name? A Margaret Bolston when she married him.
 Q What was her name before that? A That was her maiden name.

This applicant, Mollie Sheaprd, is identified on the rolls of '80 and '96 as a native Cherokee. Her child, Elizabeth, enrolled as Elizabeth Shepard, is identified on the roll of '96. This child was not born in wedlock, but it is shown to be the child of this Cherokee woman, and the woman and the child will now be ~~married~~ listed for enrollment as Cherokees by blood.

In regard to the application that this woman makes for her husband, Albert Shepard, the application for him will be placed upon a doubtful card, and he will be required to ~~submit~~ supply this Commission with his license or a certified copy thereof, said to have been issued him in '92, and also his certificate of marriage.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and complete transcript of his stenographic notes thereof.

Donna McDermott

Subscribed and sworn to before me this 10th day of September, 1900.

[Signature]

Commissioner.

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Cherokee D 157

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Albert Shepard for enrollment of himself as a Cherokee citizen.

Appearances:

Applicant, in person;
W.W. Hastings, attorney for the Cherokee Nation.

ALBERT SHEPARD, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Albert Shepard.
Q Where do you live? A Checotah, Cherokee Nation, Canadian District
Q What is your wife's name? A Mollie Shepard.
Q What was her maiden name? A Mollie Tally.
Q Was she ever married before she married you? A I don't know.
Q What was her name when you married her? A Mollie Tally.
Q Were you ever married before you married your present wife?
A No.
Q Who is Margaret Polston? A She was my first wife.
Q Then you were married before you married this woman? A Yes sir, Margaret Polson was my first wife.
Q Was she a Cherokee? A Cherokee by blood.
Q How long did you live with her? A 15 years.
Q Was she dead when you married your present wife, Mollie?
A Yes sir.
Q When were you married to Mollie? A Married in 1892.
Q Did you get a license? A Marriage license?
Q Yes sir? A Yes. (Produces papers.)

BY COMMISSION: There is offered in evidence a marriage license issued by William Nelson, Clerk of the United States Court for the Northern District of the Indian Territory, by N.S. Young, Deputy Clerk, authorizing the marriage of Albert Shepard and Miss Mollie Tully, and a certificate of marriage showing that the parties were united in matrimony by J. D. Shoemaker, minister of the Gospel, on the 14th day of August 1892.

- Q Are you living with your wife, Mollie, now? A Yes sir.

BY MR. HASTINGS:

- Q She came up here with you did she? A Yes sir.
Q You have been living with her have you since you applied here?
A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and identified on page 44 No. 1209 Albert Shepherd, Canadian District, adopted white.

1880 authenticated roll examined for applicant's wife, and found on page 44 No. 1210 Martha Shepherd, Canadian District.


BY COMMISSION:

- Q Do you submit this case to the Commission now for final consideration; you don't care to make any other statement about your enrollment? A No, of course I want to get my right.
Q You are ready to close the case are you? A Yes sir, I am ready to close the case.
-

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 20, 1902.



Commissioner.



Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 28., 1902.

In the matter of the application of Albert Shepard for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Albert Shepard.
Q What is your age at this time? A 56.
Q What is your postoffice address? A Chocotah.
Q Are you the same Albert Shepard that applied to this Commission on August 22, 1900, for enrollment as an intermarried citizen? A Yes.
Q You claim as an intermarried citizen do you? A Yes sir.
Q What is your Cherokee wife's name? A My first wife is dead.
Q What was your first Cherokee wife's name? A Margaret Polston.
Q Were you married to her under a Cherokee license? A Yes sir.
Q Did you file your Cherokee license with the Commission here? A Yes sir.
Q When were you married to Margaret Polston? A I was married on the 23rd of December, '77.
Q When did Margaret die? A In '90, the 2nd of February.
Q Did you and Margaret live together as husband and wife from the time of your marriage up until the time she died? A Yes sir.
Q You were never separated during that time? A No sir.
Q And you were never married to any other woman from the time you married her up until the time of her death? A No sir.
Q Well after her death have you married again? A Yes sir.
Q What is your second wife's name? A Mollie Tally.
Q Was she a citizen of the Cherokee Nation by blood? A Yessir, by blood, my first wife's niece.
Q When were you and Mollie Tally married? A Married in '92 I believe, the 28th of August.
Q Well now, is Mollie living yet? A Yes.
Q Are you and she living together as husband and wife? A No, she is back in Gibson, sometimes she comes and sometimes she goes to her mother, I can't make her stop with me.
Q You say you were married to Mollie in '92? A Yes sir.
Q How long did you and she live together as husband and wife? A Four or five years.
Q Since that time you and she have been separated have you? A Yes sir, been separated and gone together again, and she went back to Gibson; I don't know when she will be back.
Q She goes off and stays a while and then she comes back? A Yes sir.
Q Do you have to go and get her? A Sometimes I do, and sometimes she comes back by herself.
Q Well, there isn't any actual separation between you? A No, she tried to sue me for a divorce a year ago, and she said she wanted to come home. I don't know; that is all I know.
Q Well now these two women are all the women you were ever married to? A That is all the women I ever married.
Q You never married again? A I never married anymore.
Q Your wife Margaret was the first woman you ever married? A Yes sir.
Q Were you her first husband? A No sir.
Q Had Margaret been married before? A Yes.
I don't know of course, she claims she was a widow. I can't say that; she is a Cherokee by blood.
Q Do you know whether that husband was living or not? A He was dead; she was a widow.

B-Albert Shepard.

Q Well, this last wife had she ever been married before you married her? A Yes sir.

Q Where was her first man? A Well, he is living in Gibson I guess.

Q Was she divorced from him? A She was divorced from him.

Q How long have you lived in the Cherokee Nation? A Since '77.

Q All the time since '77? A All the time since '77 I stayed on one place.

Q How long did your wife Margaret live in the Cherokee Nation before she died? A All the time.

Q Was she born and raised here? A She was born in Alabama; she came here with her ancestors here.

Q How long has your last wife lived in the Cherokee Nation? A She lived always here.

Q Have you got any children? A I haven't any, my wife has one, it doesn't belong to me. I adopted it in my name, she goes by my name Shepard.

Q You don't claim that child? A I claim it by marriage.

Q Is that child living? A Yes sir.

Q Is your wife Mollie living? A Yes.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothmeyer

Subscribed and sworn to before me this 16th day of October, 1902.

B. C. Jones
Notary Public.

Cherokee D-157.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 11, 1902.

In the matter of the application of Albert Shepard for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Mollie Shepard, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mollie Shepard.
- Q How old are you? A I was thirty-six the twenty-seventh day of August.
- Q Do you know Albert Shepard who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
- Q How long have you known Albert Shepard? A About ten years, ever since 1892 it has been.
- Q Were you married to him? A Yes sir.
- Q When were you married? A '92.
- Q You are a Cherokee by blood are you? A Yes sir.
- Q He had been married before his marriage to you? A Yes sir.
- Q What was his first wife's name? A Margaret.
- Q She was also a Cherokee? A Yes sir, my mother's sister.
- Q How long did you and Albert Shepard live together after you were married? A Four years.
- Q Then you separated? A Yes sir.
- Q Where were you living when you separated? A Canadian District.
- Q Near what town? A Checotah.
- Q What was the cause of the separation? A He was mean to me.
- Q He was mean to you? A Yes sir, he was.
- Q In what way was he? A He fought me. He broke a chair over me once and liked to killed me.
- Q Were you living in the country, on a farm? A Yes sir.
- Q Did you leave the house? A Yes sir, I left; he told me to leave.
- Q Had he been in the habit of striking you often? A No sir, he only struck me once, but he made several attempts. I was always ready for him after the first time.
- Q How did he come to strike you? A Just because I was singing for my little girl; that was the whole cause of it; it was nine o'clock at night.
- Q You left him in the night? A No sir, I never left. I stayed there until my mother and brother came after me.
- Q On whose place were you ~~leaving~~ living? A Living at home with him.
- Q Whose place was it? A It was his.
- Q Did he have a place when you and he were married? A Yes sir, there are two more places; he gave one to the little girl and one to me.
- Q Have you got those places now in your possession? A No sir, he wont let me have them. I can't get them until I sue for a divorce.
- Q You haven't got a divorce? A No sir.
- Q You have made application? A Yes sir; I left him once before. I think I left him in '96 and went back, and this time I left for good, I wont go back anymore.
- Q He says in his testimony you were in the habit of going off? A I will never go back anymore.
- Q Did you leave him before? A I left him once before.
- Q Did he come after you? A He came after me; I didn't go back the first time, then he persuaded me to go.

3-Albert Shepard:

Q Well, you and he have never lived together since you separated this last time? A No sir, and I never will.

Q Has he ever been to see you? A Yes sir, but there is no use talking I won't go back anymore.

Q You stood it as long as you could? A Yes sir, I worked hard every day.

Q Where are you living now, Mrs. Shepard? A At Fort Gibson with my mother.

By Mr. Hastings: What is the name of your mother? A Bettie Tally.

By the Commission: Did you know Mr. Shepard while he and his first wife were living together? A Yes sir.

Q They never fell out or separated? A No, they never separated, but he was cruel to her; she told mama.

Examination by Mr. Hastings: Did he live with her until she died?

A Yes sir, she would leave him whenever she got ready and go to the neighbors.

Q They separated then? A Yes sir.

Q Did this man ever curse you? A Oh, my, yes; all kinds of language he could use.

Q Abusive language? A Yes sir.

Q He broke a chair over you? A Yes sir. There is times I can't hardly raise my arms.

Q He threatened to strike you a number of times afterwards? A Oh, yes.

Q Did he give you any property when you separated? A No sir, he won't do it.

Q Did he ever provide for you since you were separated? A Not one thing.

Q He has possession of the place down there? A Yes sir.

Q You won't go back to live with him for the reason that he has been cruel and abusive so long? A No sir, I won't never go back to live with him because I cannot.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rotherbrooks

Subscribed and sworn to before me this 15th day of December, 1902.

B. A. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Albert Shepard for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on August 22, 1900, Mollie Shepard appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of her husband, Albert Shepard, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, September 29 and November 11, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, Albert Shepard, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as an adopted white, having married one Margret Polston, a Cherokee citizen, in 1877.

The evidence further shows that the said Albert Shepard lived with his said wife, Margret, until she died and that, subsequent to her death, on August 14, 1892, he married one Mollie Tally, a citizen by blood of the Cherokee Nation. The said Albert Shepard is also identified on the 1896 census roll of the Cherokee Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that the said Albert Shepard acquired rights of Cherokee citizenship through intermarriage with his first wife, Margret Polston, and that, subsequent to her death, he married his present wife, Mollie, a Cherokee citizen by blood.

The evidence further shows that the said Albert Shepard has continuously resided in the Cherokee Nation since the date of his first marriage, in 1877, and that he was the lawful husband of his present wife, Mollie, on September 1, 1902.

Ch. D #157

It is, therefore, the opinion of this Commission that the said Albert Shepard should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Dixby

Acting Chairman.

(SIGNED)

T. B. Necales

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this FEB - 7 1903

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-157.

ALLISON L. AYLESWORTH,
SECRETARY

ALLS KEYS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Mollie Shepard for the enrollment of her husband, Albert Shepard, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-19.

IN THE MATTER OF THE APPLICATION OF

Albion Shepard

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Memo of application - " 22, 1900

C. Copy of license & certificate - first marriage.

D. Marriage license & certificate - 2nd " "

Notice of final consideration
marriage license and cert.

Supplemental testimony and
order showing testimony - 2/19/02

Original testimony and
order showing testimony

See Packet No 1780
envelopes

Cher D158

Cher D158

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FT. GIBSON, I. T., AUGUST 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF Eliza C. Redding and four children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Eliza C. Redding /
Q What was is your age? A Born in '50.
Q Makes you about fifty years old? A Yes sir.
Q What is your Postoffice? A Starrville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A Nineteen or twenty years.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A Myself and four children.
Q What is your father's name? A Joseph Ross.
Q Is he living? A No sir.
Q When did he die? A When I was nine months old.
Q What is your mother's name? A Priscilla Ross.
Q Is she living? A No sir; they both died, one after the other.
Q What are the names of your children? A Samuel Redding.
Q How old is Samuel? A Seventeen years old the 30th of July.
Q Name of the next one? A Amanda E. Redding.
Q How old is Amanda? A She will be 15 the 5th day of December.
Q What is the name of the next one? A Jessie H. Redding.
Q How old? A Twelve the 5th of next June.
Q Name of the next one? A Isaac Isaac Redding.
Q How old? A Ten years old.
Q Next one? A That is all.
Q Are those children living and living with you? A Yes sir.

By Mr. F. F. Hastings, Cherokee Representative:

Q Where did you come from? A Scott County, Arkansas
Q Where did you settle here? A Yes sir.
Q When have you any papers or anything? A No sir; Mr. Redding has them.

By the Commission:

Q Is he dead? A No sir.
Q Where is he? A In Canadian District somewhere.

By Mr. F. F. Hastings, Cherokee Representative:

Q Are you separated? A Yes sir.

By the Commission:

(Eliza C. Redding identified on the roll of 1896, Page 60, #1637, Canadian District)
(1894 Roll, Page 62, #1716, Eliza C. Redding, Canadian District)
Identification of applicant's children:
(1894 Roll, Page 60, #1638, Samuel Redding, Canadian District)
(1896 Roll, Page 60, #1640, Amanda Redding, Canadian District)
(1896 Roll, Page 60, #1641, Jessie H. Redding, Canadian District)
(1896 Roll, Page 60, #1642, Isaac Redding, Canadian District)
Q What proof have you Mrs. Redding of your citizenship? A All the proof I have got is that we have been here and drawn money.

By Mr. F. F. Hastings, Cherokee Representative:

Q What is your husband's name? A W. T. Redding.

By the Commission:

Q Did you ever apply to the Bureau Commission for citizenship?
A He did for us.
Q When? A In 1896.

By Mr. W. W. Hastings, Cherokee Representative:

Q You were married to your husband ~~some~~ in the State, were you not? A Yes sir, and when I came to the Territory, we were married over.

The name of Miss G. Redding appearing on the census roll of 1896; also upon the pay roll of 1894; upon an examination of the rolls of 1890, her name is not found. She was sworn that she was admitted by the Cherokee Council as a Cherokee citizen in 1879; The names of her children appear on the census roll of 1896, but because of her name not being on the authenticated roll of 1890, and she presenting no proof of her residence, her name and that of her children will be placed on what is known as a doubtful card. Final judgment of the Commission as to the enrollment of herself and children is suspended. Upon proof being made as to this; also proof as to her admission to citizenship by the Cherokee nation, she and her said children will be duly listed for enrollment as Cherokee citizens by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Craven

Subscribed and sworn to before
me this 30th day of August, 1900.

Commissioner

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FILED
SEP 27 1902

A. J. CHAPMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Feb. 19, 1902.

In the matter of the application of David A. McGlamery for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by Watkins & Ross, Muskogee, I. T.
Cherokee Nation represented by W. W. Hastings.

It is directed that copies of all the testimony had in the matter of the application of Eliza G. Redding, Cherokee Card No. B-158, be filed with and made a part of the record in this case.



Commissioner.

COMM.

1917

1917

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Eliza C. Redding for the enrollment of herself and children as citizens of the Cherokee Nation, D-158.

Applicant represented by Joshua Ross and John Watkins,
Muskogee, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

JESSE T. ROSS, being duly sworn, testified as follows:

COMMISSION: What is your name? A Jesse T. Ross.

Q How old are you? A 51 years old.

Q What is your postoffice address? A Gritts.

MR. WATKINS: Are you a Cherokee Indian by blood? A Yes, sir.

Q You are a bona fide citizen of the Cherokee Nation at this time are you not? A Yes sir.

Q Are you acquainted with Eliza Catherine Redding? A Yes, sir.

Q How long have you been acquainted with her? A I couldn't tell that.

Q Well, give us an impression? A About forty years.

Q Do you know when she came to the Indian country? A Why I think it was in '80 or '81. I couldn't say positively.

Q Well, now, state if you know anything in regard to her Cherokee Indian blood? A Well, I was always told—

COMMISSION: State what you know about it personally, not what you were told.

Witness: Well, of course I couldn't state nothing of that sort.

Q Is she a relative of yours? A Yes, sir.

Q On the Cherokee side? A Yes, sir.

MR. HASTINGS: I submit here that if this woman came here in '80 or '81, and the record shows she is about fifty years of age, and she was born in the states as the record shows, that no evidence would be competent to enroll her except evidence to the effect that she was admitted; that is the only evidence on earth that would be admissible in this case.

COMMISSION: Have you any evidence of that fact?

MR. WATKINS: No, sir.

COMMISSION: There is offered in evidence a certified copy of a marriage license issued by H. J. Vann, Clerk of Canadian District, Cherokee Nation, authorizing the marriage of William Thomas Redding, a white man, a citizen of the United States, and Eliza C. Redding, his wife, formerly Eliza C. Ross, a Cherokee woman; and a certificate showing that the parties were united in matrimony in accordance with said license on the 15th day of December, 1882, by H. J. Vann, Clerk of Canadian District, Cherokee Nation. The license and certificate are filed herewith.

MR. WATKINS: We desire ten days in which to obtain the certificate of admission.

COMMISSION: The attorney for the applicant will be granted ten days in which to search the records of the Cherokee Nation for the purpose of ascertaining whether the applicant, Eliza C. Redding, was ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

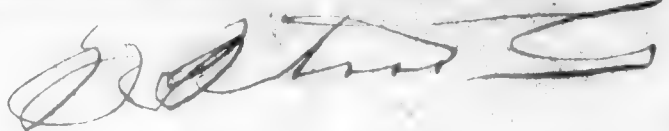
-:-:-

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing

is a true and complete transcript of his stenographic notes thereof.

Arthur Groninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Eliza C. Redding for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by Watkins & Ross, Muskogee, I.T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 3, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission in its offices in Muskogee, Indian Territory, on the 19th day of February, 1902. The applicant on the 19th day of February, 1902, appeared by her attorneys, Watkins & Ross, and requested that they be granted ten days in which to obtain a certificate from the authorities of the Cherokee Nation showing the admission of Eliza C. Redding et al to citizenship in the Cherokee Nation. The applicant this day presents a certificate from B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, certifying that the name of Eliza C. Redding, Samuel M. Redding, Amanda Redding, Jessie M. Redding, and Isaac E. Redding appear upon the Cherokee census roll of 1896. But as this fact already appears in the record made when the original application was had, the documents are returned to the attorneys for the applicant.

COMMISSION: Do you, in behalf of the applicant, submit this case to the Commission for final consideration?

MR. ROSS: Yes, sir.

COMMISSION: The attorneys for the applicant and the representative of the Cherokee Nation present submit this case to the Commission. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

—:—:—:—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 1st day of March, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 23, 1902.

In the matter of the application of Eliza C. Redding et al.
for enrollment as citizens by blood of the Cherokee Nation.

Appearances W.W. Hastings, Cherokee Attorney; Watkins and Ross,
for applicants.

Eliza C. Reddings, being sworn and examined by the Commission,
testified as follows:

Q What is your name? A Eliza C. Redding.

Q What is your postoffice address? A Starville.

Q How old are you? A I suppose I am fifty-two years old.

Q How long have you lived in the Cherokee Nation? A Twenty-one
years.

Q Lived there all the time for the last twenty-one years? A Yes sir,
within five miles from where I first lodged.

Q Are you the same Eliza C. Redding that made a plication to the
Commission for admission as a citizen of the Cherokee Nation? A
Yes sir, I am the same one.

By John Watkins, applicant's attorney: Mrs. Reddings you know
when you were enrolled the first time on a Cherokee roll? A '83.
I said '83, I mean '93; no, '83. We had been here two years before
we enrolled; we enrolled in August, '83.

Q When did you enroll again? A '86.

Q When did you enroll again? A Well, it was when the \$14.00 for
the head was paid out. Mr. Redding gave in the census then and I
cant recollect how he gave then in before, because he tended to
the business after '83. He did all the rest of the enrolling after
the first time. I enriled myself then and I brought witnesses here
to prove that my family was enrolled.

Q Mr. Redding attended to the enrolling after what time? A After
'83.

Q When did you first draw money? A Mr. Redding drewed it at
Webbers Falls.

Q How much? A Fifteen dollars and something to the head.

Q When was that? A I expect the enrollment was taken and the
next spring the money was paid out.

Q How long ago has that been? A It has been 19 years.

Q When did you draw any after that, if at all? A In '86.

Q When did you draw again? A I don't remember the year now, it
was in '90 I believe. Yes, in '90.

Q How much did you draw? A Fourteen dollars and something to the
head.

Q When did you draw next? A When we drewed the strip money.

Q How much strip money did you draw and when did you draw it? A
You have me puzzled, I don't remember. In '94.

Q Do you remember how much you drew? A Two hundred and some odd
dollars.

Q Did you get any of the old settler money? A Yes sir.

Comes now the representative of the Cherokee Nation and most
emphatically objects to going into that proposition because it is
absolutely no evidence whatever of citizenship.

Commission: The objection will be noted; answer the question.

Applicant's attorney: She has already answered the question.

Q You have lived continuously for the last twenty-one years in the
Cherokee Nation? A Yes sir.

Q And been recognized as a bona fide citizen of the Cherokee Nation
by blood? A Yes sir.

Q You and your children? A Me and my children.

Q You are single I believe now? A Yes sir.

Q And unmarried? A Yes sir.

2- Eliza C. Redding-

By W. W. Hastings: Is your husband dead? A No sir, he just left me.

Q Has he applied for enrollment? A He did once, but then me and him are divorced.

Q Where is he? A In Arkansas, Polk County.

Q How long has he been there? A Nearly a year.

Q Did he leave you or you leave him? A He left me and I sued him for divorce.

Q What is his name? A W. T. Redding.

Q Did you get the divorce? A Yes sir.

Q Where were you born? A I was born right down at Fort Smith.

Q Arkansas? A Yes sir.

Q Where were you married? A I was married in Arkansas, and then when we came to the territory Mr. Redding and I was married over according to Cherokee law in Briartown District.

Q When were you married first? A I can't remember; I was married in my sixteenth year, the day I was sixteen years old.

Q How old did you say you were? A Going on fifty-two.

Q That will be 36 years ago you were married then, just right after the war? A Yes sir.

Q Did you live in Fort Smith when you married? A My father died in Fort Smith.

Q When you were married? A No, I never lived in Fort Smith, we lived in Arkansas, near Waldren.

Q Did you continue to live there until the time you came there?

A I couldn't help myself, I was raised there.

Q I asked you if you lived there? A Yes sir, I lived there until we came to the territory.

Q Then you were born, lived and married in the State of Arkansas until the time you stated you came to the Cherokee Nation? A Yes sir.

Q How many children were born in Arkansas? A Six; three of them are dead.

Applicant's attorney: How many in the nation? A Four born in the nation.

Commission: What district were you living in in 1883 when you were enrolled? A In Canadian District, at Briartown.

Q What district were you living in when you drew the next money in 1886? A In Canadian District.

Q Were you in the same district all the time? A Yes sir.

Q Were you living in Canadian District in 1890 when you drew the money in 1890? A Yes sir, in Canadian District.

Q What district were you living in in 1894 when you drew the strip money? A Canadian District.

Q What is your middle name, for what is the "C" in your name? A I don't know what it stands for.

Q Are you sometimes known as Catherine Redding? A My name is sometimes down as Catherine and sometimes Eliza Catherine Redding.

The 1886 roll examined in Canadian District, page 66, No. 1290, and the name of Catherine Redding, aged 36, is found thereon. No. 1291, Percille Jane Redding, aged 15; No. 1292, Rosa Redding, aged 13; No. 1293, Lula Redding, aged 7; 1294, Sam Redding, aged 3; No. 1295, Amanda Redding, aged six months.

Q What is Lula's middle name? A Lulu Mimie.

Q Are Priscilla Jane, Rosa, Lula, Amanda and Sam Redding your children? A Yes sir.

3- Eliza C. Redding-

The 1883 roll examined and the names of the applicants found thereon as follows: In Canadian District, No. 1276, L. C. Reading; No. 1277, C. J. Reading; No. 1278, R. B. Reading; No. 1279, L. M. Reading; No. 1280, Samuel Reading.

The 1890 roll examined and their names found thereon as follows: In Canadian District, No. 1736, Eliza C. Redden; No. 1737, Rosa B. Redden; No. 1738, Lula N. Redden; No. 1739, Samuel Redden; No. 1740, Amanda L. Redden; No. 1741, Jesse N. Redden.

The 1894 roll examined and their names found thereon as follows: Page 82, No. 1718, Eliza C. Redding; No. 1719, Lula M. Redding; No. 1720, Samuel Redding; No. 1721, Amanda L. Redding; 1722, Jesse M. Redding; No. 1723, Isaac Escoe Redding.

Commission: How many children of yours are under age and living with you? A Four.

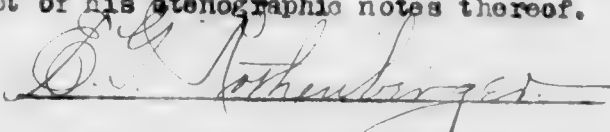
Q What are their names? A Sammie, Amanda Lee, Jessie May and Isaac Escoe.

Q Is Lula married? A Yes sir.


Q What other ones are married? A Rosa Bell and Priscilla Jane.

It is ordered that copies of this testimony be filed with and made a part of the record in D-160, Lula M. Nicholson et al., and also in D-161, David A. McGlemery et al., also D-159 Oilla J. Welter et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 30th day of September, 1903.



Notary Public.

Notary Public

RECEIVED BY THE DIRECTOR OF THE FBI
DECEMBER 10, 1956

The Committee has also been informed by the Government that the Commission has been asked to conduct a study on the possibility of establishing a national system of public health insurance.

[illegible]

1. The first of these is the fact that the
 2. Government has been unable to secure
 3. the necessary funds to carry out its
 4. policy of non-interference in the
 5. internal affairs of the country.

Q. I can't answer that question. A. I believe we were

...On the 2nd day of the month of ...

1872

YERBY

to the New York Public Library, Astor Lenox and Tilden Foundations, and the University of Michigan.

Cher
Supp'l to D 158
TO BE FILLED WITH D

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of ELIZA C. REDDING, for the enrollment of herself, and her children, SAMUEL, AMANDA, JESSIE M. and ISAAC B. REDDING, as citizens by blood of the Cherokee Nation:

Appearances:

Applicant appears in person and by John Watkins, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

JOSHUA ROSS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Watkins:

Q State your name, age and residence ? A Joshua Ross; I live at Muskogee; and am sixty nine years old.
Q State if you are a recognized citizen by blood of the Cherokee Nation ? A I am.
Q Was you acquainted with the father of Eliza C. Redding during his lifetime ? A Yes sir.
Q What was his name ? A Joe Ross.
Q What do you know about him being a citizen of the Cherokee Nation, if anything ? A Well, I know that he was a second cousin of my mother; my mother was a Cherokee, and his mother was a first cousin of her's, and she was a Cherokee related to the Lowries and Morgans, of the Cherokee Nation, who are recognized citizens of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation moves that that answer be stricken from the record inasmuch as it is not responsive to the question as to what was his citizenship.

By Mr. Watkins:

Q What was his citizenship ? A He was a citizen of the Cherokee Nation.
Q Did he live in the Cherokee Nation ? A Yes sir.
Q Do you know when he died ? A No, I don't know for certain, but about 1850 I think. That's the best information I have.
Q Do you know whether he was a citizen or not at the time he died ? A Yes sir he was a citizen then.

By Mr. Hastings:

Q Where did he die ? A He died in Fort Smith. So I have been told; I don't know where he did die.
Q How long since you had seen him before his death ? A Well, when I knew him it was between 1846 and 1850.
Q You don't have any recollection of seeing him after 1846 ? A I don't remember, I couldn't say that.
Q You don't know where he was living when he died ? A No sir I don't know where he was living at the time.
Q Do you know where this woman Eliza C. Redding was born, of your own knowledge ? A No sir.
Q Do you know that she lived in Arkansas for years ? A I don't know anything about that.

Q You say that is your information, that her father Joe Ross died in Fort Smith, Arkansas ? A Yes sir.

By the Commission:

Q Was the father of Eliza C. Redding, when you knew him, living in the Cherokee Nation ? A Yes sir.
Q Was he considered and recognized by all the people here then as a Cherokee by blood ? A Yes sir.
Q Do you know the mother of Eliza C. Redding ?
A No I don't know her.

By Mr. Hastings:

Q Do you know where he was married to her mother ? A No sir.
Q Do you know whether she ever lived in the Cherokee Nation or not ?
A I don't know that. The point I prove is about Joe Ross.

MARY T. SIMS, being duly sworn and examined by the Commission, testified as follows:

Examined by Mr. Watkins:

Q What is your name ? A Mary T. Sims.
Q Your age ? A Forty four.
Q Your post office address ? A Gritts, Indian Territory.
Q Are you a citizen of the Cherokee Nation by blood ?
A Yes sir.
Q Where was you born ? A In Scott County, Arkansas.
Q How long have you been a citizen ? A I have been a citizen here for twenty four years.
Q Was you acquainted with Joe Ross the father of Eliza C. Redding ?
A No sir, I wasn't acquainted with him. My father and him was brothers.
Q Your father and Joe Ross were brothers ? A Yes sir.
Q He was your own blood uncle ? A Yes sir.
Q Was he a Cherokee by blood ? A Yes sir that's what I was always told by my father.
Q Do you know whether he was a citizen of the Cherokee Nation ?
A Yes sir he was.
Q Well, how long have you knowed the applicant here Eliza C. Redding ? A Ever since I can recollect anything.
Q Well, has it been understood in the neighborhood down there that she was a Cherokee by blood ? A Yes sir.

Mr. Hastings: Don't answer that question. The Cherokee Nation desires to object to that question, for the reason that it is of purely a hear-say character, and in no way tends to prove the citizenship here of the applicant.

Examined by Mr. Hastings:

Q Where were you born ? A In Scott County, Arkansas.
Q Where is Scott County; how far from the Territory line ?
A Well sir, I can't tell you; its right there close I guess. I was born fifty miles from Fort Smith.
Q Well why didn't you tell me that ? A You never asked me.
Q I asked you how far Scott County was from there ? How long did you live in Scott County ? A Well sir, I am lived there until I moved to the Territory.

- Q When was that ? A Why I have been here twenty three years ago.
- Q Then you moved here about 1879 ? A Yes sir.
- Q What was your maiden name ? A Ross.
- Q You knew Eliza C. Redding in Arkansas ? A Yes sir.
- Q Did you know her mother ? A No sir.
- Q With whom was she living when you knew her ? A With my father.
- Q Did she come here with you ? A No sir, she didn't come here with me.
- Q Did she marry in Scott County, Arkansas ? A Yes sir.
- Q How many children did she have born to her in Scott County, Arkansas ? I will just do like Mr. Watkins; what did the neighbors say about how many children she had born there ? A Four or five.
- Q Her husband was a recognized citizen there in Scott County, Arkansas ? A Yes sir.
- Q They enjoyed the same privileges there in Scott County, Arkansas, that other people did ? A Yes sir I guess they did.
- Q You never saw any difference did you ? A No sir.
- Q The people all recognized them as enjoying the same kind of rights down in Scott County, Arkansas ? A Yes sir, I guess so.
- Q You never heard people down there say that they recognized them in any other way ? A Yes sir they recognized them as Cherokees.
- Q I say in regard to their citizenship down there ? A No sir.
- Q You never heard them say in any public meetings down there, the people in public meetings get up and say anything else, but what they were citizens down there did you ? A No sir.
- Q Never saw it published in any of the newspapers down there any other way did you ? A Why no sir.

Mr. Hastings: I guess the Secretary will think I am crazy, but I just wanted to show how ridiculous it was for Mr. Watkins to ask questions of that kind.

- Q How long has Eliza C. Redding been in the Cherokee Nation ? A Well sir, I can't say how long she has been here.
- Q Well about how long; how long after you came ? A She has been here about twenty one years I suppose.
- Q She was a married woman then ? A Yes sir.
- Q She brought this husband and these children with her ? A Yes sir, part of her children.
- Q She was born in Scott County, Arkansas ? A Well sir, she was born in Fort Smith.
- Q Arkansas ? A Well I can't say whether Fort Smith is in Arkansas or not.
- Q And so far as you know she always lived in Arkansas until she moved here twenty one years ago ? A Yes sir.
- Q Married there ? A Yes sir.
- Q Were all these children born there ? A Part of the children were born there, and part in the Territory.

Examined by Mr. Watkins:

- Q Was your father a recognized citizen of the Cherokee Nation ?
A Yes sir, always.
Q And her father was your father's brother ? A Yes sir.

By the Commission:

- Q What was your father's name ? A Andrew Ross.
Q Is he living ? A No sir.
Q When did he die ? A He has been dead about eleven years.
Q Where was he living when he died ? A He was living there close to Webbers Falls, down here in the Cherokee Nation.
Q Did he come to the Cherokee Nation from Arkansas at the time you say you came here ? A Yes sir.
Q You came with him ? A Yes sir, I came with my father.
Q How old was Eliza C. Redding as far back as you can remember ?
A Well sir, she was eleven years old when she came to live with my father.
Q And did she live with your father in Arkansas up till the time she married ? A Yes sir.
Q She was one of his family ? A Yes sir.
-

ELIZA C. REDDING, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is Eliza C. Redding is it ? A Yes sir.
Q You are the applicant in this case ? A Yes sir.
Q What was the name of your father Mrs. Redding ?
A Joseph Ross.
Q Is he living or dead ? A He's dead
Q How long has he been dead ? A Ever since I was nine months old.
Q Where did he die ? A Fort Smith.
Q What was your mother's name ? A Priscilla.
Q Was she a white woman ? A Yes sir.
Q Is she living ? A No sir.
Q When did she die ? A She died the same night my father did; they died of cholera.
Q When did you first come to the Cherokee Nation, from Arkansas, to live ? A About twenty one years ago.
Q You were married at the time you came ? A Yes sir.
Q How many children did you have before you came here ?
A Six, and three of them was dead, and I brought three with me.
Q How old are you now ? A I will be fifty three years old the 6th day of March.
Q Your father has been dead then about fifty two years, or a little over ? A Yes sir, I suppose so.

Examined by Mr. Watkins:

- Q Did you participate in the drawing of the Old Settler money ?

Mr. Hastings: Come now the representatives of the Cherokee Nation, and object to this question, because it is entirely immaterial for the reason that, the record shows that people in California, Texas, Georgia, and elsewhere, drew Old Settler money, and it was not a roll of the citizens of the Cherokee Nation, and does not in any wise tend to prove that the applicant was entitled to citizenship

in the Cherokee Nation. It was not even a blood roll.

The Commission: Answer the question.

- A Yes sir I drew it.
Q After you came to this country did Mr. Hedding marry you according to the laws of the Cherokee Nation?
A Yes sir, he did; he got to the signers, and we married according to Cherokee law.
Q Have you and him been recognized as Cherokee citizens ever since?
A Yes sir.

Examined by Mr. Hastings:

- Q Have you ever been admitted by the Cherokee National Council?
A I think we were.
Q Well were you? A I can't answer that question.
Q You have never filed any testimony showing that you were ever admitted by any legally constituted authorities of the Cherokee Nation?
A No sir.
Q You were never admitted by the Dawes Commission?
A Not that I remember of.

The Commission: It is directed that copies of this testimony be filed in Cherokee D 159; Cher D 160 and Cher D 161;

E. C. Dagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Dagwell

Subscribed and sworn to before me this December 19, 1902.

B. A. Jones
Notary Public

CH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application for the enrollment of
Eliza C. Redding et al., as citizens of the Cherokee Nation,
consolidating the applications of:

Eliza C. Redding et al....	Cherokee D-158,
Cilla J. Welter et al.....	" D-159,
Lula M. Nicholson et al...	" D-160,
David A. McGlamery et al..	" D-161.

D E C I S I O N.

+++++

The record herein shows that on August 22, 1900, at Fort Gibson, Indian Territory, applications were made for enrollment as Cherokee citizens:

By Eliza C. Redding, for herself and her four minor children, Samuel, Amanda L., Jessie M. and Isaac E. Redding, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, February 28, September 23, and December 17, 1902.

By Cilla J. Welter, for herself and her four minor children, Dena B., Ida and Virginia M. Lewis and Nicholas T. Welter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on July 14, September 23, and December 17, 1902. On October 31, 1902, a birth affidavit was filed with the Commission for Samuel L. Welter, born to said Cilla J. Welter since the date of her application.

By Lula M. Nicholson, for herself and her minor child, Eliza D. Nicholson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 23, and December 17, 1902. On October 13, 1902, a birth affidavit was filed with the Commission for Samuel J. Nicholson, born to the said Lula M. Nicholson since the date of her application.

By David A. McGlamery, for his wife, Rosa B., and her three minor children, Felix G., Esther C. and John S. McGlamery, as citizens by blood of the Cherokee Nation. Said David A. McGlamery is also an applicant for enrollment as a citizen by intermarriage, but his status as such is not passed upon at this time and he is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 23, and December 17, 1902.

The evidence in these cases shows that the said Eliza C. Redding is a Cherokee by blood; that the said Cilla J. Welter, Lula M. Nicholson and Rosa B. McGlamery are the daughters of the said Eliza C. Redding; that the said Samuel, Amanda L., Jessie E., and Isaac E. Redding are the minor children of the said Eliza C. Redding; that the said Dena B., Ida and Virginia N. Lewis, Nicholas T. and Samuel L. Welter are the minor children of the said Cilla J. Welter; that the said Eliza D. and Samuel J. Nicholson are the minor children of the said Lula M. Nicholson; that the said Felix G., Esther C. and John S. McGlamery are the minor children of the said Rosa B. McGlamery, and that the applicants are identified on the tribal rolls of the Cherokee Nation as follows:

Eliza C. Redding, Lula M. Nicholson, Rosa B. McGlamery and Samuel Redding are identified on the Cherokee rolls of 1883, 1886, 1890, 1894 and 1896;

Cilla J. Welter on the 1883 and 1896 tribal rolls;

Amanda L. Redding on the 1886, 1890, 1894 and 1896 tribal rolls;

Jessie E. Redding on the 1890, 1894 and 1896 tribal rolls;

Isaac E. Redding on the 1894 and 1896 tribal rolls;

Dena B. Lewis, Ida Lewis, Virginia N. Lewis, Felix G. McGlamery and Esther C. McGlamery on the 1896 census roll;

Nicholas T. Welter, Samuel L. Welter, Eliza D. Nicholson, Samuel J. Nicholson and John S. McGlamery are identified by birth affidavits made a part of the record herein.

The evidence further shows that David A. McGlamery, a white man, was married to Rosa B. Redding on December 7, 1890, and at the date of said marriage the said Rosa B. Redding had a living husband from whom she was not divorced. Section 692 of the Compiled Laws of the Cherokee Nation (1892), provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

The evidence further shows that Eliza C. Redding, Cilla J. Welter and Lula M. Nicholson have resided in the Cherokee Nation ever since about 1880 or 1881. It further appears that the said Rosa B. McGlamery was married to her first husband about the year 1888, and that she has resided in the Cherokee Nation continuously since 1890.

The minor children embraced in the application herein are considered to have been residing in said nation since their birth.

It is, therefore, the opinion of this Commission that Eliza C. Redding, Samuel Redding, Amanda L. Redding, Jessie M. Redding, Isaac E. Redding, Cilla J. Walter, Dena B. Lewis, Ida Lewis, Virginia E. Lewis, Nicholas T. Walter, Samuel L. Walter, Lula M. Nicholson, Eliza D. Nicholson, Samuel J. Nicholson, Rosa E. McGlamery, Fella C. McGlamery, Esther C. McGlamery and John E. McGlamery should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Kirby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Broomfield.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, I.T.,

this JUL 22 1903

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REF. IN REPLY TO THE FOLLOWING

Cherokee D-158

ALFRED L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, November 24, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that Eliza C. Redding has this day been notified to appear before the Commission at its offices at Muskogee, Indian Territory, on or before December 20, 1902, and introduce further testimony as to the citizenship of her parents.

This testimony is required in the matter of her application for enrollment as a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

COMMISSIONERS

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-158-9
60-61

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 27, 1903.

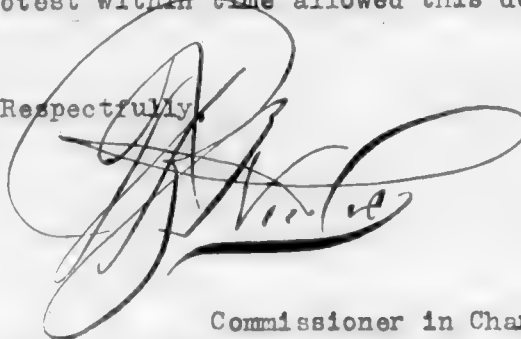
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, granting the application for the enrollment of Eliza C., Samuel, Amanda L., Jessie M. and Isaac E. Redding, Cilla J. Welter, Dena B., Ida and Virginia N. Lewis, Nicholas T. and Samuel L. Welter, Lula M., Eliza D. and Samuel J. Nicholson, Rosa B., Felix G., Esther C., and John S. McGlamery, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within time allowed this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. D-100

158

IN THE MATTER OF THE APPLICATION OF

Olinga T. Redding

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 22, 1900

B. mem^o of application.

Notice of application.

Witness

C. Certified copies of marriage

license & certificate

Supplemental testimony Aug 2, 1902.

Supplemental testimony order closing
testimony 4, 1902.

Revised

Cher D 159

Cher D 159

L 15 9

STATEMENT OF THE VIETNAM
COMMISSION TO THE FIVE CIVIL

FILED

AUG. 26 1960

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.
PT. GIBSON, I. T., AUGUST 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF Gillo J. Walter and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Corrodoner, T. H. Needles, testified as follows:

- Q What is your name? A Gillo J. Walter.
Q What is your age? A Going on twenty nine.
Q What is your Postoffice? A Starrville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One sixteenth.
Q What District do you live in? A Canadian.
Q How long have you lived in Canadian District?
A Nine teen years.
Q Continuously? A Yes sir.
Q For when do you apply for enrollment? A Myself and children.
Q What is your father's name? A Redding.
Q What is his first name? A Thomas W. T.
Q Cherokee by blood? A No sir; white man.
Q Living? A Yes sir.
Q What is your mother's name? A Eliza Redding.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q Are you married? A Yes sir; I am married again since I registered on the 1896 Roll.
Q What is your husband's name? A W. D. Walter.
Q Is he living? A Yes sir.
Q What are the names of your children? A Dena Bell Lewis is my oldest one; her father is dead.
Q Who was the father of Dena Bell Lewis? A W. N. Lewis.
Q Was he your former husband? A Yes sir.
Q He is dead? A Yes sir.
Q How old is Dena Bell? A Going on ten.
Q Next one? A Ida Lewis.
Q How old is she? A Six.
Q Name of the next one? A Virginia W. Lewis.
Q How old is she? A Four.
Q Name of the next one? A Nicholas Thomas Walter.
Q How old is he? A One year old the 11th of July.
Q Name of the next one? A That is all.
Q These children are living and living with you? A Yes sir.
Q Your name is not on the roll of 1896, is it? A I do not know.
(1896 Roll, Page 43, #1163 Siller Lewis, Canadian District)
(1896 Roll, Page 43, #1164, Dena Lewis, Canadian District)
(1896 Roll, Page 43, #1165, Ida Lewis, Canadian District)
(1896 Roll, Page 43, #1166, Va. W. Lewis, Canadian District)
Q Have you any proof of birth of this youngest one? A No sir.
Q Has your mother ever admitted to citizenship in the Cherokee Nation? A I was nine years old when they proved it.

The name of Gillo J. Walter appears on the census roll of 1896, and the name of her children, Dena, Ida and Virginia W. Lewis also appear on the census roll of 1896. She avers that she has one child, named Nicholas Thomas Walter, one year of age, whose name does not appear on the census roll of 1896, he having been born after said rolls were compiled. She avers that she was married to one W. D. Walter, said W. D. Walter being the father of her last named child, said Lewis being the father of the first named three children. Her name not appearing on the authenticated roll of 1896, neither that of her mother, the final decision of the Commission as to the enrollment of herself and children will be suspended, and their names will be placed on a doubtful or white card, awaiting proof of her mother's admission to citizenship.

-2-

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true, and complete transcript of his stenographic notes thereof.

P. R. Craven

Sworn to and subscribed before
me this 30th day of August, 1900.

C. M. Hunter

COMMISSIONER.

Chlorine

To be filed with D-159, Cilla J. Welter et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., August 22, 1900.

IN THE MATTER OF THE APPLICATION OF Eliza C. Redding and four children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Eliza C. Redding.
Q What is your age? A Born in '50.
Q Makes you about fifty years old? A Yes, sir.
Q What is your postoffice? A Starvilla.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A Nineteen or twenty years.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A Myself and four children.
Q What is your father's name? A Joseph Ross.
Q Is he living? A No, sir.
Q When did he die? A When I was nine months old.
Q What is your mother's name? A Prescilla Ross.
Q Is she living? A No, sir; they both died, one after the other.
Q What are the names of your children? A Samuel Redding.
Q How old is Samuel? A Seventeen years old the 30th of July.
Q Name of the next one? A Amanda L. Redding.
Q How old is Amanda? A She will be 15 the 5th day of December.
Q What is the name of the next one? A Jessie M. Redding.
Q How old? A Twelve the 5th of next June.
Q Name of the next one? A Isaac Escoe Redding.
Q How old? A Ten years old.
Q Next one? A That is all.
Q Are these children living and living with you? A Yes, sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Where did you come from? A Scott County, Arkansas.
Q Were you admitted here? A Yes, sir.
Q When; have you any papers or anything? A No, sir; Mr. Redding has them.

By the Commission:

- Q Is he dead? A No, sir.
Q Where is he? A In Canadian District somewhere.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Are you separated? A Yes, sir.

By the Commission:

- (Eliza C. Redding identified on the roll of 1896, page 60, #1637, Canadian District.)
(1894 roll, page 82, #1718, Eliza C. Redding, Canadian District.)
Identification of applicant's children:
(1896 roll, page 60, #1639, Samuel Redding, Canadian District.)
(1896 roll, page 60, #1640, Amanda Redding, Canadian District.)
(1896 roll, page 60, #1641, Jesse M. Redding, Canadian District.)
(1896 roll, page 60, #1642, Isaac Redding, Canadian District.)
Q What proof have you Mrs. Redding of your citizenship? A All the proof I have got is that we have been here and drawn money.

By Mr. W. W. Hastings, Cherokee representative:

- Q What is your husband's name? A W. T. Redding.

By the Commission:

- Q Did you ever apply to the Dawes Commission for citizenship?
A He did for us.
Q When? A In 1896.

By Mr. W. W. Hastings, Cherokee Representative:

Q You were married to your husband in the State, were you not?

A Yes, sir, and when I came to the Territory, we were married over.

The name of Eliza C. Redding appearing on the census roll of 1896; also upon the pay roll of 1894; upon an examination of the rolls of 1880, her name is not found. She avers that she was admitted by the Cherokee Council as a Cherokee citizen in 1879; the names of her children appear on the census roll of 1896, but because of her name not being on the authenticated roll of 1880, and she presenting no proof of her readmission, her name and that of her children will be placed on what is known as a doubtful card. Final judgment of the Commission as to the enrollment of herself and children is suspended. Upon proof being made as to this; also proof as to her admission to citizenship by the Cherokee Nation, she and her said children will be duly listed for enrollment as Cherokee citizens by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 30th day of August, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 21st day of February, 1902.

[Signature]

Commissioner.

CO

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Cilla J. Walter for the enrollment of herself and children as citizens of the Cherokee Nation, D-159.

Applicant represented by Watkins & Ross, Muskogee, I. T.
Cherokee Nation represented by W. W. Hastings.

COMMISSION: It is directed that copies of all the testimony had in the matter of the application of Elise G. Redding, Cherokee Card No. D-158, be filed with and made a part of the record in this case.



Commissioner.

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To be filed with D-158, Cilla J. Welter et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Eliza C. Redding for the enrollment of herself and children as citizens of the Cherokee Nation, D-158.

Applicant represented by Joshua Ross and John Watkins,
Muskogee, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

JESSE T. ROSS, being duly sworn, testified as follows:

COMMISSION: What is your name? A Jesse T. Ross.

Q How old are you? A 51 years old.

Q What is your postoffice address? A Oritte.

MR. WATKINS: Are you a Cherokee Indian by blood? A Yes, sir.

Q You are a bona fide citizen of the Cherokee Nation at this time are you not? A Yes, sir.

Q Are you acquainted with Eliza Catherine Redding? A Yes, sir.

Q How long have you been acquainted with her? A I couldn't tell that.

Q Well, give us an impression? A About forty years.

Q Do you know when she came to the Indian Territory? A Why I think it was in '80 or '81, I couldn't say positively.

Q Well, now, state if you know anything in regard to her Cherokee Indian blood? A Well, I was always told—

COMMISSION: State what you know about it personally, not what you were told.

Witness: Well, of course I couldn't state nothing of that sort.

Q Is she a relative of yours? A Yes, sir.

Q On the Cherokee side? A Yes, sir.

MR. HASTINGS: I submit here that if this woman came here in '80 or '81, and the record shows she is about fifty years of age, and she was born in the states as the record shows, that no evidence would be competent to enroll her except evidence to the effect that she was admitted; that is the only evidence on earth that would be admissible in this case.

COMMISSION: Have you any evidence of that fact?

MR. WATKINS: No, sir.

COMMISSION: There is offered in evidence a certified copy of a marriage license issued by H. J. Vann, Clerk of Canadian District, Cherokee Nation, authorizing the marriage of William Thomas Redding, a white man, a citizen of the United States, and Eliza C. Redding, his wife, formerly Eliza C. Ross, a Cherokee woman; and a certificate showing that the parties were united in matrimony in accordance with said license on the 15th day of December, 1882, by H. J. Vann, Clerk of Canadian District, Cherokee Nation. The license and certificate are filed herewith.

MR. WATKINS: We desire ten days in which to obtain the certificate of admission.

COMMISSION: The attorneys for the applicant will be granted ten days in which to search the records of the Cherokee Nation for the purpose of ascertaining whether the applicant, Eliza C. Redding, was ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

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Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing

is a true and complete transcript of his stenographic notes thereof.

Arthur H. Croninger

Subscribed and sworn to before me this 20th day of February, 1908.

A stylized, handwritten signature in dark ink, likely belonging to the Commissioner. The signature is fluid and cursive, with a prominent initial 'A' and a long, sweeping horizontal stroke at the end.

Commissioner.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

1908

REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
ON THE
LANDS BELONGING TO THE UNITED STATES
IN THE
STATE OF
NEW YORK
AND
THE
COUNTY OF
SARATOGA
IN
THE
YEAR
1907

ALBANY:
J. B. LEECH, JR.,
PRINTERS,
1908

THE
UNITED STATES
DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

RECEIVED JAN 10 1908

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14th, 1902.

In the matter of the application of Cilla J. Welter for the enrollment of herself and children--Nicholas T. Welter, Deana B. Lewis, Ida Lewis and Virginia N. Lewis--as citizens by blood of the Cherokee nation,

Supplemental to D-159.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

CILLA J. WELTER, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name? A. Cilla J. Welter.
Q. How old are you? A. I will be 30 years old the 16th of September.
Q. What is your post office address? A. Starvilla.
Q. Are you a Cherokee by blood of white woman? A. I am a Cherokee by blood.
Q. Where were you born? A. I was born in Scott county, Arkansas, and raised there until 8 years old and then brought to the territory.
Q. Where have you been living since you came to the territory?
A. Near Briartown.
Q. Have you always been in the territory since that time?
A. Yes, sir; never knew any where else.
Q. What is your father's name? A. W. T. Redden, Tom Redden.
Q. What is your mother's name? A. Elisa C. Redden.
Q. How often have you been married? A. Been married twice.
Q. What was the name of your first husband? A. Lewis.
Q. What is the full name? A. W. H. William Norman.
Q. Was he a Cherokee or white man? A. He was a white man.
Q. When were you married to him? A. I was married in 1891.
Q. He is the father of your three oldest children? A. Yes, sir.
Q. What is the name of your present husband? A. W. E. Welter.
Q. Is he a citizen by blood or a white man? A. White man.
Q. When you came to the Cherokee nation did you apply for the admission of yourself to citizenship? A. My mother and father did. Of course I was small.
Q. How old were you then? A. I was 8 years old, growing on 9. Just turned to my 9th year.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18 day of July, 1902.

Jesse O. Carr
W. W. Hastings
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Puskog, I. T., September 23, 1902.

In the matter of the application of Eliza C. Redding et al.
for enrollment as citizens by blood of the Cherokee Nation.

Represented by W.W. Hastings, Cherokee Attorney; Watkins and Ross,
for applicants.

Eliza C. Redding, being sworn and examined by the Commission,
testified as follows:

Q What is your name? A Eliza C. Redding.

Q What is your postoffice address? A Starvilla.

Q How old are you? A I suppose I am fifty-two years old.

Q How long have you lived in the Cherokee Nation? A Twenty-one
years.

Q Lived there all the time for the last twenty-one years? A Yes sir,
within five miles from where I first lodged.

Q Are you the same Eliza C. Redding that made application to the
Commission for admission as a citizen of the Cherokee Nation? A
Yes sir, I am the same one.

By John Watkins, applicant's attorney: Mrs. Redding, you know
when you were enrolled the first time on a Cherokee roll? A '83.
I said '83, I mean '83; no, '83. We had been here two years before
we enrolled; we enrolled in August, '83.

Q When did you enroll again? A '86.

Q When did you enroll again? A Well, it was when the \$14.00 for
the head was paid out. Mr. Redding gave in the census then and I
can't recollect how he gave them in before, because he tended to the
business after '83. He did all the rest of the enrolling after
the first time. I enrolled myself then and I brought witnesses here
to prove that my family was enrolled.

Q Mr. Redding attended to the enrolling after what time? A After
'83.

Q When did you first draw money? A Mr. Redding drew it at
Webbers Falls.

Q How much? A Fifteen dollars and something to the head.

Q When was that? A I expect the enrollment was taken and the
next spring the money was paid out.

Q How long ago has that been? A It has been 19 years.

Q When did you draw any after that, if at all? A In '86.

Q When did you draw again? A I don't remember the year now, it
was in '90 I believe. Yes, in '90.

Q How much did you draw? A Fourteen dollars and something to the
head.

Q When did you draw next? A When we drew the strip money.

Q How much strip money did you draw and when did you draw it? A
You have me puzzled, I don't remember. In '94.

Q Do you remember how much you drew? A Two hundred and some odd
dollars.

Q Did you get any of the old settler money? A Yes sir.

Comes now the representative of the Cherokee Nation and most
emphatically objects to going into that proposition because it is
absolutely no evidence whatever of citizenship.

Commission: The objection will be noted; answer the question.

Applicant's attorney: She has already answered the question.

Q You have lived continuously for the last twenty-one years in the
Cherokee Nation? A Yes sir.

Q And been recognized as a bona fide citizen of the Cherokee Nation
by blood? A Yes sir.

Q You and your children? A Me and my children.

Q You are single I believe now? A Yes sir.

Q And unmarried? A Yes sir.

By W. W. Hastings: Is your husband dead? A No sir, he just left me.

Q Has he applied for enrollment? A He did once, but then me and him are divorced.

Q Where is he? A In Arkansas, Polk County.

Q How long has he been there? A Nearly a year.

Q Did he leave you or you leave him? A He left me and I sued him for divorce.

Q What is his name? A W. T. Redding.

Q Did you get the divorce? A Yes sir.

Q Where were you born? A I was born right down at Fort Smith.

Q Arkansas? A Yes sir.

Q Where were you married? A I was married in Arkansas, and then when we came to the territory Mr. Redding and I was married over according to Cherokee law in Briartown District.

Q When were you married first? A I can't remember; I was married in my sixteenth year, the day I was sixteen years old.

Q How old did you say you were? A Going on fifty-two.

Q That will be 36 years ago you were married then, just right after the war? A Yes sir.

Q Did you live in Fort Smith when you married? A My father died in Fort Smith.

Q When you were married? A No, I never lived in Fort Smith, we lived in Arkansas, near Waldren.

Q Did you continue to live there until the time you came there?

A I couldn't help myself, I was raised there.

Q I asked you if you lived there? A Yes sir, I lived there until we came to the territory.

Q Then you were born, lived and married in the State of Arkansas until the time you stated you came to the Cherokee Nation? A Yes sir.

Q How many children were born in Arkansas? A Six; three of them are dead.

Applicant's attorney: How many in the nation? A Four born in the nation.

Commissioner: What district were you living in in 1883 when you were enrolled? A In Canadian District, at Briartown.

Q What district were you living in when you drew the next money in 1886? A In Canadian District.

Q Were you in the same district all the time? A Yes sir.

Q Were you living in Canadian District in 1890 when you drew the money in 1890? A Yes sir, in Canadian District.

Q What district were you living in in 1894 when you drew the strip money? A Canadian District.

Q What is your middle name, for what is the "C" in your name? A I don't know what it stands for.

Q Are you sometimes known as Catherine Redding? A My name is sometimes down as Catharine and sometimes Eliza Catherine Redding.

The 1886⁶ roll examined in Canadian District, page 66, No. 1290, and the name of Catherine Redding, aged 36, is found thereon. No. 1291, Percille Jane Redding, aged 15; No. 1292, Rosa Redding, aged 13; No. 1293, Lula Redding, aged 7, No. 1294, Sam Redding; aged 3; No. 1295, Amanda Redding, aged six months.

Q What is Lula's middle name? A Lulu Minnie.

Q Are Priscilla Jane, Rosa, Lula, Amanda and Sam Redding your children? A Yes sir.

3- Eliza C. Redding-

The 1883 roll examined and the names of the applicants found thereon as follows: In Canadian District, No. 1276, L. C. Reading; No. 1277, C. J. Reading; No. 1278, R. B. Reading; No. 1279, L. M. Reading; No. 1280, Samuel Reading.

The 1890 roll examined and their names found thereon as follows: In Canadian District, No. 1736, Eliza C. Redden; No. 1737, Rosa B. Redden; No. 1738, Lula M. Redden; No. 1739, Samuel Redden; No. 1740, Amanda L. Redden; No. 1741, Jesse M. Redden.

The 1894 roll examined and their names found thereon as follows: Page 83, No. 1718, Eliza C. Redding; No. 1719, Lula M. Redding; No. 1720, Samuel Redding; No. 1721, Amanda L. Redding; 1722, Jesse M. Redding; No. 1723, Isaacosco Redding.

Commission: How many children of yours are under age and living with you? A Four.

Q What are their names? A Samie, Amanda Lee, Jessie May and Isaac Escoc.

Q Is Lula married? A Yes sir.

Q What other ones are married? A Rosa Bell and Priscilla Jane.

It is ordered that copies of this testimony be filed with and made a part of the record in D-160, Lula M. Nicholson et al., and also in D-161, David A. McGlemory et al., also D-159 Oilla J. Welter et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

E. J. Rothberg

Subscribed and sworn to before me this 30th day of September, 1902.

B. O. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 23, 1902.

In the matter of the application of Gilla J. Welter for the enrollment of herself and children, Nicholas T. Welter, Dena B., Ida, Virginia N. Lewis, as citizens by blood of the Cherokee Nation.

Walter Welter, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Walter Welter.
Q Are you the husband of Gilla J. Welter? A Yes sir.
Q What is your postoffice? A Starvilla.
Q When were you married? A I have been married seven years this fall.
Q Were you married under a Cherokee license? A No sir.
Q You are not an applicant yourself for citizenship? A No sir.
Q Where is your wife residing? A She is down here about four miles from Starvilla. She is sick or she would have come up.
Q Your wife had been married prior to her marriage to you? A Yes sir.
Q What was her first husband's name? A Norman Lewis.
Q Was he living or dead when you married? A He was dead.
Q Did she have any children by her first husband? A Three.
Q What were their names? A Dena Bell.
Q The next one? A Ida.
Q What is the next one? A Norma Virginia.
Q Have you and she any children? A Yes sir.
Q What are their names? A Thomas Nicholas, Samuel Lafayette the last one.
Q Two children? A Yes sir.
Q Are all these five children living now and living with their mother at Starvilla? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Your wife has lived here ever since you and she were married? A Yes sir.

The undersigned, being duly sworn, states that he is a member to the Commission to the Five Civilized Tribes he carefully reviewed the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. C. Rothenberg

Subscribed and sworn to before me this 1st day of October, 1902.

E. C. Jones
Notary Public.

Subscribed and sworn to before me this December 13, 1907

27

1. The Commission has received information from the Government of the United States of America that the United States has a large number of persons who are engaged in the production of goods and services for the United States Government and who are not entitled to the same rights and privileges as the citizens of the United States. The Commission is concerned that the United States Government is not providing adequate protection for the rights and privileges of these persons.

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1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.

1. The Commission has been informed that the Government of the Republic of the Philippines has agreed to accept the Commission's findings and recommendations.

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BY J. B. BAY

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of ELIZA C. REDDING, for the enrollment of herself, and her children, SAMUEL, AMANDA, JESSIE M. and ISAAC E. REDDING, as citizens by blood of the Cherokee Nation:

Appearances:

Applicant appears in person and by John Watkins, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

JOSHUA ROSS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Watkins:

Q State your name, age and residence ? A Joshua Ross; I live at Muskogee; and am sixty nine years old.

Q State if you are a recognized citizen by blood of the Cherokee Nation ? A I am.

Q Was you acquainted with the father of Eliza C. Redding during his lifetime ? A Yes sir.

Q What was his name ? A Joe Ross.

Q What do you know about him being a citizen of the Cherokee Nation, if anything ? A Well, I know that he was a second cousin of my mother; my mother was a Cherokee, and his mother was a first cousin of her's, and she was a Cherokee related to the Lowries and Morgans, of the Cherokee Nation, who are recognized citizens of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation moves that that answer be stricken from the record inasmuch as it is not responsive to the question as to what was his citizenship.

By Mr. Watkins:

Q What was his citizenship ? A He was a citizen of the Cherokee Nation.

Q Did he live in the Cherokee Nation ? A Yes sir.

Q Do you know when he died ? A No, I don't know for certain, but about 1850 I think. That's the best information I have.

Q Do you know whether he was a citizen or not at the time he died ? A Yes sir he was a citizen then.

By Mr. Hastings:

Q Where did he die ? A He died in Fort Smith. So I have been told; I don't know where he did die.

Q How long since you had seen him before his death ?

A Well, when I knew him it was between 1846 and 1850.

Q You don't have any recollection of seeing him after 1846 ?

A I don't remember, I couldn't say that.

Q You don't know where he was living when he died ?

A No sir I don't know where he was living at the time.

Q Do you know where this woman Eliza C. Redding was born, of your own knowledge ? A No sir.

Q Do you know that she lived in Arkansas for years ?

A I don't know anything about that.

Q You say that is your information, that her father Joe Ross died in Fort Smith, Arkansas ? A Yes sir.

By the Commission:

Q Was the father of Eliza C. Redding, when you knew him, living in the Cherokee Nation ? A Yes sir.
Q Was he considered and recognized by all the people here then as a Cherokee by blood ? A Yes sir.
Q Do you know the mother of Eliza C. Redding ?
A No I don't know her.

By Mr. Hastings:

Q Do you know where he was married to her mother ? A No sir.
Q Do you know whether she ever lived in the Cherokee Nation or not ?
A I don't know that. The point I prove is about Joe Ross.

MARY T. SIMS, being duly sworn and examined by the Commission, testified as follows:

Examined by Mr. Watkins:

Q What is your name ? A Mary T. Sims.
Q Your age ? A Forty four.
Q Your post office address ? A Gritts, Indian Territory.
Q Are you a citizen of the Cherokee Nation by blood ?
A Yes sir.
Q Where was you born ? A In Scott County, Arkansas.
Q How long have you been a citizen ? A I have been a citizen here for twenty four years.
Q Was you acquainted with Joe Ross the father of Eliza C. Redding ?
A No sir, I wasn't acquainted with him. My father and him was brothers.
Q Your father and Joe Ross were brothers ? A Yes sir.
Q He was your own blood uncle ? A Yes sir.
Q Was he a Cherokee by blood ? A Yes sir that's what I was always told by my father.
Q Do you know whether he was a citizen of the Cherokee Nation ?
A Yes sir he was.
Q Well, how long have you knowed the applicant here Eliza C. Redding ? A Ever since I can recollect anything.
Q Well, has it been understood in the neighborhood down there that she was a Cherokee by blood ? A Yes sir.

Mr. Hastings: Don't answer that question. The Cherokee Nation desires to object to that question, for the reason that it is of purely a hear-say character, and in no way tends to prove the citizenship here of the applicant.

Examined by Mr. Hastings:

Q Where were you born ? A In Scott County, Arkansas.
Q Where is Scott County, how far from the Territory line ?
A Well sir, I can't tell you; its right there close I guess. I was born fifty miles from Fort Smith.
Q Well why didn't you tell me that ? A You never asked me.
Q I asked you how far Scott County was from there ? How long did you live in Scott County ? A Well sir, I do lived there until I moved to the Territory.

- Q When was that ? A Why I have been here twenty three years ago.
- Q When you moved here about 1879 ? A Yes sir.
- Q What was your maiden name ? A Ross.
- Q You knew Eliza C. Redding in Arkansas ? A Yes sir.
- Q Did you know her mother ? A No sir.
- Q With whom was she living when you knew her ? A With my father.
- Q Did she come here with you ? A No sir, she didn't come here with me.
- Q Did she marry in Scott County, Arkansas ? A Yes sir.
- Q How many children did she have born to her in Scott County, Arkansas ? I will just do like Mr. Watkins; what did the neighbors say about how many children she had born there ?
- A Four or five.
- Q Her husband was a recognized citizen there in Scott County, Arkansas ? A Yes sir.
- Q They enjoyed the same privileges there in Scott County, Arkansas, that other people did ? A Yes sir I guess they did.
- Q You never saw any difference did you ? A No sir.
- Q The people all recognized them as enjoying the same kind of rights down in Scott County, Arkansas ? A Yes sir, I guess so.
- Q You never heard people down there say that they recognized them in any other way ? A Yes sir they recognized them as Cherokees.
- Q I say in regard to their citizenship down there ? A No sir.
- Q You never heard them say in any public meetings down there, the people in public meetings get up and say anything else, but what they were citizens down there did you ? A No sir.
- Q Never saw it published in any of the newspapers down there any other way did you ? A Why no sir.

Mr. Hastings: I guess the Secretary will think I am crazy, but I just wanted to show how ridiculous it was for Mr. Watkins to ask questions of that kind.

- Q How long has Eliza C. Redding been in the Cherokee Nation ?
- A Well sir, I can't say how long she has been here.
- Q Well about how long; how long after you came ?
- A She has been here about twenty one years I suppose.
- Q She was a married woman then ? A Yes sir.
- Q She brought this husband and these children with her ?
- A Yes sir, part of her children.
- Q She was born in Scott County, Arkansas ?
- A Well sir, she was born in Fort Smith.
- Q Arkansas ? A Well I can't say whether Fort Smith is in Arkansas or not.
- Q And so far as you know she always lived in Arkansas until she moved here twenty one years ago ? A Yes sir.
- Q Married there ? A Yes sir.
- Q Were all these children born there ? A Part of the children were born there, and part in the Territory.

Examined by Mr. Watkins:

- Q Was your father a recognized citizen of the Cherokee Nation ?
A Yes sir, always.
Q And her father was your father's brother ? A Yes sir.

By the Commission:

- Q What was your father's name ? A Andrew Ross.
Q Is he living ? A No sir.
Q When did he die ? A He has been dead about eleven years.
Q Where was he living when he died ? A He was living there close to Webbers Falls, down here in the Cherokee Nation.
Q Did he come to the Cherokee Nation from Arkansas at the time you say you came here ? A Yes sir.
Q You came with him ? A Yes sir, I came with my father.
Q How old was Eliza C. Redding as far back as you can remember ?
A Well sir, she was eleven years old when she came to live with my father.
Q And did she live with your father in Arkansas up till the time she married ? A Yes sir.
Q She was one of his family ? A Yes sir.
-

ELIZA C. REDDING, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is Eliza C. Redding is it ? A Yes sir.
Q You are the applicant in this case ? A Yes sir.
Q What was the name of your father Mrs. Redding ?
A Joseph Ross.
Q Is he living or dead ? A He's dead.
Q How long has he been dead ? A Ever since I was nine months old.
Q Where did he die ? A Fort Smith.
Q What was your mother's name ? A Priscilla.
Q Was she a white woman ? A Yes sir.
Q Is she living ? A No sir.
Q When did she die ? A She died the same night my father did; they died of cholera.
Q When did you first come to the Cherokee Nation, from Arkansas, to live ? A About twenty one years ago.
Q You were married at the time you came ? A Yes sir.
Q How many children did you have before you came here ?
A Six, and three of them was dead, and I brought three with me.
Q How old are you now ? A I will be fifty three years old the 8th day of March.
Q Your father has been dead then about fifty two years, or a little over ? A Yes sir, I suppose so.

Examined by Mr. Watkins:

- Q Did you participate in the drawing of the Old Settler money ?

Mr. Hastings: Come now the representatives of the Cherokee Nation, and object to this question, because it is entirely immaterial for the reason that, the record shows that people in California, Texas, Georgia, and elsewhere, drew Old Settler money, and it was not a roll of the citizens of the Cherokee Nation, and does not in any wise tend to prove that the applicant was entitled to citizenship

in the Cherokee Nation. It was not even a blood roll.

The Commission: Answer the question.

A Yes sir I drew it.

Q After you came to this country did Mr. Redding marry you according to the laws of the Cherokee Nation?

A Yes sir, he did; he got up the signers, and we married according to Cherokee law.

Q Have you and him been recognized as Cherokee citizens ever since?

A Yes sir.

Examined by Mr. Hastings:

Q Have you ever been admitted by the Cherokee National Council?

A I think we were.

Q Well were you? A I can't answer that question.

Q You have never filed any testimony showing that you were ever admitted by any legally constituted authorities of the Cherokee Nation?

A No sir.

Q You were never admitted by the Dawes Commission?

A Not that I remember of.

The Commission: It is directed that copies of this testimony be filed in Cherokee D 159; Cher D 160 and Cher D 161;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 19, 1902.

B. C. Jones
Notary Public

159
158

IN THE MATTER OF THE APPLICATION OF

William J. Walter & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Mem^o of application - " 22, 1900

C. Oath affidavit - Nicholas J. Walter

Notice of final consideration

Testimony from case of Eliza C. Redding & al

Sup. " " " " " 7/19/02

Order for filing above testimony 7/19/02

Case closed and no further action

W. J. Walter & al

W. J. Walter

Cher D 160

Cher D 160

A 110

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WT. GIBSON, I. T., AUGUST 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF Julia M. Nicholson and child
for enrollment as citizens of the Cherokee Nation, and she being
sworn by Comdr. Gen. T. B. Needles, testified as follows:

- Q What is your name? A Julia M. Nicholson.
Q What is your age? A Twenty one.
Q What is your Postoffice? A Starrville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
By blood? A By blood.
What degree of blood do you claim? A I do not know.
Such little of it that it is hard to find? A Yes sir.
One eighth, one sixteenth? A One eighth, I think.
What District do you live in? A Canadian.
How long have you lived in Canadian District? A Twenty years.
Continuously for twenty years? Yes sir.
For whom do you apply for enrollment? A Myself and one child.
What is your father's name? A Thomas Redding.
Is he living? A Yes sir.
Is he a white man? A Yes sir.
What is your mother's name? A Eliza C. Redding.
Is she an Indian? A Yes sir.
Does her name appear on the rolls of 1880? A I do not know, but
it ought to.
Are you married? A Yes sir.
Is your husband a citizen? A He was married according to
Cherokee law.
Have you any children? A One.
What is the name of that child? A Eliza D. Nicholson.
How old is she? A Two years old.
(See roll, Page 60, 1880, Julia M. Redding, Canadian District)
Q Is your name Julia? A Julia.
Q Are you the daughter of Eliza C. Redding? A Yes sir.
When were you married? A In 1897.
What is your husband's name? A J. A. Nicholson.
Q Married according to the United States law? A Yes sir.

The name of Julia A. Nicholson, appearing on the census roll of
1890, as Julia M. Redding; her name not appearing on the authenticated
roll of 1880, neither that of her mother; and she avers that she was
married to one, J. A. Nicholson in 1897, a white person, by United
States law, and as a result of said marriage, one child was born,
named Eliza D. Nicholson, whose name does not appear on the census
roll of 1890, she having been born since said rolls were compiled.
applicant makes satisfactory proof of her residence, but her name
not appearing on the authenticated roll of 1880, neither that of
her mother, final judgment as to enrollment of herself and child
will be suspended. It will be necessary for her to present sat-
isfactory proof of birth of the child, Eliza D. Nicholson. This
suspension awaits proof of her mother's citizenship in the Cherokee
Nation.

The undersigned being sworn stated that as stenographer
to the Commission to the Five Civilized Tribes, he correctly re-
corded the testimony and proceedings in this case, and that the fore-
going is a true and complete transcript of his stenographic notes
thereof.

Sworn to and subscribed before
me this 30th day of August, 1900.

A. R. Craven

C. M. Brown
COMMISSIONER.

COMM. OF THE DIST. OF COLUMBIA

FILED

FEB 1902

ACTING CHAIRMAN.

To be filed with D-180, Lula M. Nicholson et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., August 28, 1900.

IN THE MATTER OF THE APPLICATION OF Eliza C. Redding and four children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Eliza C. Redding.
Q What is your age? A Born in '50.
Q Makes you about fifty years old? A Yes, sir.
Q What is your postoffice? A Starvilla.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A Nineteen or twenty years.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A Myself and four children.
Q What is your father's name? A Joseph Ross.
Q Is he living? A No, sir.
Q When did he die? A When I was nine months old.
Q What is your mother's name? A Prescilla Ross.
Q Is she living? A No, sir. They both died, one after the other.
Q What are the names of your children? A Samuel Redding.
Q How old is Samuel? A Seventeen years old the 30th of July.
Q Name of the next one? A Amanda L. Redding.
Q How old is Amanda? A She will be 15 the 5th day of December.
Q What is the name of the next one? A Jessie M. Redding.
Q How old? A Twelve the 5th of next June.
Q Name of the next one? A Isaac Faxon Redding.
Q How old? A Ten years old.
Q Next one? A That is all.
Q Are these children living and living with you? A Yes, sir.

By Mr. W. T. Hastings, Cherokee representative:

Q Where did you come from? A Scott County, Arkansas.
Q Were you admitted here? A Yes, sir.
Q Then; have you any papers or anything? A No, sir; Mr. Redding has them.

By the Commission:

Q Is he dead? A No, sir.
Q Where is he? A In Canadian District somewhere.

By Mr. W. T. Hastings, Cherokee representative:

Q Are you separated? A Yes, sir.

By the Commission:

(Eliza C. Redding identified on the roll of 1896, page 60, #1637, Canadian District.)

(1894 roll, page 82, #1718, Eliza C. Redding, Canadian District.)

Identification of applicant's children:

(1896 roll, page 60, #1639, Samuel Redding, Canadian District.)

(1896 roll, page 60, #1640, Amanda Redding, Canadian District.)

(1896 roll, page 60, #1641, Jesse M. Redding, Canadian District.)

(1896 roll, page 60, #1642, Isaac Redding, Canadian District.)

Q "That proof" have you Mrs. Redding of your citizenship? A All the proof I have got is that we have been here and drawn money.

By Mr. W. T. Hastings, Cherokee representative:

Q What is your husband's name? A W. T. Redding.

By the Commission:

Q Did you ever apply to the Dawes Commission for citizenship?

A He did for us.

Q When? A In 1896.

By Mr. W. W. Hastings, Cherokee Representative:

Q You were married to your husband in the State, were you not?
A Yes, sir, and when I came to the Territory, we were married over.

The name of Eliza C. Hedding appearing on the census roll of 1896; also upon the pay roll of 1894; upon an examination of the rolls of 1880, her name is not found. She avers that she was admitted by the Cherokee Council as a Cherokee citizen in 1878. The names of her children appear on the census roll of 1896, but because of her name not being on the authenticated roll of 1880, and she presenting no proof of her readmission, her name and that of her children will be placed on what is known as a doubtful card. Final judgment of the Commission as to the enrollment of herself and children is suspended. Upon proof being made as to this; also proof as to her admission to citizenship by the Cherokee Nation, she and her said children will be duly listed for enrollment as Cherokee citizens by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 30th day of August, 1900.

(Signed) C. R. Brackinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 21st day of February, 1902.

[Signature]

Commissioner.

COMM

1900

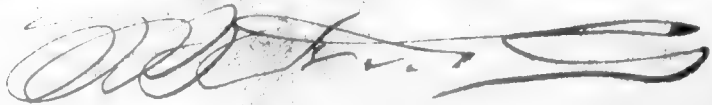
1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 18, 1902.

In the matter of the application of Lula M. Nicholson for
the enrollment of herself and child as citizens of the Cherokee
Nation, D-160.

Applicant represented by Watkins & Ross, Muskogee, I. T.
Cherokee Nation represented by W. W. Hastings.

It is directed that copies of all the testimony had in the mat-
ter of the application of Eliza C. Redding, Cherokee Card No. D.
158, be filed with and made a part of the record in this case.



Commissioner.

COMMISSION

110 1910

1. *...*

To be filed with D-160, Lula M. Nicholson et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Eliza C. Redding for the enrollment of herself and children as citizens of the Cherokee Nation, D-158.

Applicant represented by Joshua Ross and John Watkins,
Muskogee, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

JESSE T. ROSS, being duly sworn, testified as follows:

COMMISSION: What is your name? A Jesse T. Ross.
Q How old are you? A 51 years old.
Q What is your postoffice address? A Gritts.
MR. WATKINS: Are you a Cherokee Indian by blood? A Yes, sir.
Q You are a bona fide citizen of the Cherokee Nation at this time are you not? A Yes, sir.
Q Are you acquainted with Eliza Catherine Redding? A Yes, sir.
Q How long have you been acquainted with her? A I couldn't tell that.
Q Well, give us an impression? A About forty years.
Q Do you know when she came to the Indian country? A Why I think it was in '80 or '81. I couldn't say positively.
Q Well, now, state if you know anything in regard to her Cherokee Indian blood? A Well, I was always told—
COMMISSION: State what you know about it personally, not what you were told.
Witness: Well, of course I couldn't state nothing of that sort.
Q Is she a relative of yours? A Yes, sir.
Q On the Cherokee side? A Yes, sir.
MR. HASTINGS: I submit here that if this woman came here in '80 or '81, and the record shows she is about fifty years of age, and she was born in the states as the record shows, that no evidence would be competent to enroll her except evidence to the effect that she was admitted; that is the only evidence on earth that would be admissible in this case.
COMMISSION: Have you any evidence of that fact?
MR. WATKINS: No, sir.
COMMISSION: There is offered in evidence a certified copy of a marriage license issued by H. J. Vann, Clerk of Canadian District, Cherokee Nation, authorizing the marriage of William Thomas Redding, a white man, a citizen of the United States, and Eliza C. Redding, his wife, formerly Eliza C. Ross, a Cherokee woman; and a certificate showing that the parties were united in matrimony in accordance with said license on the 15th day of December, 1882, by H. J. Vann, Clerk of Canadian District, Cherokee Nation. The license and certificate are filed herewith.
MR. WATKINS: We desire ten days in which to obtain the certificate of admission.
COMMISSION: The attorneys for the applicant will be granted ten days in which to search the records of the Cherokee Nation for the purpose of ascertaining whether the applicant, Eliza C. Redding, was ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

—:::—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing

is a true and complete transcript of his stenographic notes thereof.

Arthur G. Hamner

Subscribed and sworn to before me this 20th day of February, 1902.

A stylized, handwritten signature in dark ink, likely belonging to the Commissioner, positioned above the printed title.

Commissioner.

Cherokee D-160.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 23, 1902.

In the matter of the application of Lula M. Nicholson for the enrollment of herself and child, Eliza D. Nicholson, as citizens by blood of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Lula M. Nicholson.
Q What is your postoffice? A Starvilla.
Q How long have you lived in the Cherokee Nation? A Ever since I was a year and three months old.
Q What is your age? A 23 years old.
Q What is your mother's name? A Eliza Catherine Redding.
Q She is living, is she? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Are you married? A Yes sir.
Q What is your husband's name? A James A. Nicholson.
Q When were you married to him? A In 1897.
Q He is not an applicant then for citizenship? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What are their names? A Eliza Delilah.
Q How old is that child? A Four years old.
Q The next one? A Samuel Jasper Nicholson.
Q How old is he? A Two years old.
Q These children at home and living with you now? A Yes sir, they are both here.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 1st day of October, 1902.


Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 23, 1902.

In the matter of the application of Eliza C. Redding et al.
for enrollment as citizens by blood of the Cherokee Nation.

Appearances W. E. Hastings, Cherokee Attorney; Watkins and Ross,
for applicants.

Eliza C. Redding, being sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Eliza C. Redding.
Q What is your postoffice address? A Starville.
Q How old are you? A I suppose I am fifty-two years old.
Q How long have you lived in the Cherokee Nation? A Twenty-one years.
Q Lived there all the time for the last twenty-one years? A Yes sir, within five miles from where I first lodged.
Q Are you the same Eliza C. Redding that made application to the Commission for admission as a citizen of the Cherokee Nation? A Yes sir, I am the same one.
By John Watkins, applicant's attorney: Mrs. Redding, you know when you were enrolled the first time on a Cherokee roll? A '83. I said '83, I mean '93; no, '83. We had been here two years before we enrolled; we enrolled in August, '83.
Q When did you enroll again? A '86.
Q When did you enroll again? A Well, it was when the \$14.00 for the head was paid out. Mr. Redding gave in the census then and I can't recollect how he gave them in before, because he tended to the business after '83. He did all the rest of the enrolling after the first time. I enrolled myself then and I brought witnesses here to prove that my family was enrolled.
Q Mr. Redding attended to the enrolling after what time? A After '85.
Q When did you first draw money? A Mr. Redding drew it at Webers Falls.
Q How much? A Fifteen dollars and something to the head.
Q When was that? A I expect the enrollment was taken and the next spring the money was paid out.
Q How long ago has that been? A It has been 19 years.
Q When did you draw any after that, if at all? A In '86.
Q When did you draw again? A I don't remember the year now, it was in '90 I believe. Yes, in '90.
Q How much did you draw? A Fourteen dollars and something to the head.
Q When did you draw next? A When we drew the strip money.
Q How much strip money did you draw and when did you draw it? A You have me puzzled, I don't remember. In '94.
Q Do you remember how much you drew? A Two hundred and some odd dollars.
Q Did you get any of the old settler money? A Yes sir.

Comes now the representative of the Cherokee Nation and most emphatically objects to going into that proposition because it is absolutely no evidence whatever of citizenship.

Commission: The objection will be noted; answer the question.

Applicant's attorney: She has already answered the question.

Q You have lived continuously for the last twenty-one years in the Cherokee Nation? A Yes sir.

Q And been recognized as a bona fide citizen of the Cherokee Nation by blood? A Yes sir.

Q You and your children? A Me and my children.

Q You are single I believe now? A Yes sir.

Q And unmarried? A Yes sir.

3- Eliza C. Redding-

By W.W.Hastings: Is your husband dead? A No sir, he just left me.

Q Has he applied for enrollment? A He did once, but then me and him are divorced.

Q Where is he? A In Arkansas, Polk County.

Q How long has he been there? A Nearly a year.

Q Did he leave you or you leave him? A He left me and I sued him for divorce.

Q What is his name? A W. T. Redding.

Q Did you get the divorce? A Yes sir.

Q Where were you born? A I was born right down at Fort Smith.

Q Arkansas? A Yes sir.

Q Where were you married? A I was married in Arkansas, and then when we came to the territory Mr. Redding and I was married over according to Cherokee law in Briartown District.

Q When were you married first? A I can't remember; I was married in my sixteenth year, the day I was sixteen years old.

Q How old did you say you were? A Going on fifty-two.

Q That will be 36 years ago you were married then, just right after the war? A Yes sir.

Q Did you live in Fort Smith when you married? A My father died in Fort Smith.

Q When you were married? A No, I never lived in Fort Smith, we lived in Arkansas, near Waldren.

Q Did you continue to live there until the time you came there?

A I couldn't help myself, I was raised there.

Q I asked you if you lived there? A Yes sir, I lived there until we came to the territory.

Q Then you were born, lived and married in the State of Arkansas until the time you stated you came to the Cherokee Nation? A Yes sir.

Q How many children were born in Arkansas? A Six; three of them are dead.

Applicant's attorney: How many in the nation? A Four born in the nation.

Commission: What district were you living in in 1883 when you were enrolled? A In Canadian District, at Briartown.

Q What district were you living in when you drew the next money in 1886? A In Canadian District.

Q Were you in the same district all the time? A Yes sir.

Q Were you living in Canadian District in 1890 when you drew the money in 1890? A Yes sir, in Canadian District.

Q What district were you living in in 1894 when you drew the strip money? A Canadian District.

Q What is your middle name, for what is the "C" in your name? A I don't know what it stands for.

Q Are you sometimes known as Catherine Redding? A My name is sometimes down as Catherine and sometimes Eliza Catherine Redding.

The 1896 roll examined in Canadian District, page 66, No. 1290, and the name of Catherine Redding, aged 36, is found thereon. No. 1291, Percile Jane Redding, aged 15; No. 1292, Rosa Redding, aged 13; No. 1293, Lula Redding, aged 7; 1294, Sam Redding, aged 3; No. 1295, Amanda Redding, aged six months.

Q What is Lula's middle name? A Lulu Mimmie.

Q Are Priscilla Jane, Rosa, Lula, Amanda and Sam Redding your children? A Yes sir.

5- Eliza G. Redding-

The 1883 roll examined and the names of the applicants found thereon as follows: In Canadian District, No. 1276, L. C. Reading; No. 1277, C. J. Reading; No. 1278, R. B. Reading; No. 1279, L. M. Reading; No. 1280, Samuel Reading.

The 1890 roll examined and their names found thereon as follows: In Canadian District, No. 1736, Eliza G. Redden; No. 1737, Rosa B. Redden; No. 1738, Lula M. Redden; No. 1739, Samuel Redden; No. 1740, Amanda L. Redden; No. 1741, Jesse W. Redden.

The 1894 roll examined and their names found thereon as follows: Page 82, No. 1718, Eliza G. Redding; No. 1719, Lula M. Redding; No. 1720, Samuel Redding; No. 1721, Amanda L. Redding; 1722, Jesse M. Redding; No. 1723, Isaac Escoe Redding.

Commission: How many children of yours are under age and living with you? A Four.

Q What are their names? A Sammie, Amanda Lee, Jessie May and Isaac Escoe.

Q Is Lula married? A Yes sir.

Q What other ones are married? A Rosa Bell and Priscilla Jane.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. J. Rothenslager

Subscribed and sworn to before me this 30th day of September, 1902.

B. Jones
Notary Public.

Subscribed and sworn to before me this December 1st, 1962

Notary

The foregoing is an accurate transcription of his statement and testimony and proceedings had in the above entitled case, and the Commission to the said Civilized Indians, as correctly reported to the Commission of said Indians, as shown by the following:

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Commission, at the City of New Orleans, Louisiana, this 1st day of December, 1962.

Notary I remember of:

And who have been admitted by the Lower Court of the State of Louisiana.

Notary I remember of:

And who have never been admitted by the Lower Court of the State of Louisiana.

Notary I remember of:

And who have never been admitted by the Lower Court of the State of Louisiana.

And who have never been admitted by the Lower Court of the State of Louisiana.

Witness my hand and the seal of the Commission, at the City of New Orleans, Louisiana, this 1st day of December, 1962.

Cher
Supp'l to D 158
TO BE FILED WITH D 160-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of ELIZA C. REDDING, for the enrollment of herself, and her children, SAMUEL, AMANDA, JESSIE M. and ISAAC E. REDDING, as citizens by blood of the Cherokee Nation:

Appearances:

Applicant appears in person and by John Watkins, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

JOSHUA ROSS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Watkins:

Q State your name, age and residence ? A Joshua Ross; I live at Muskogee; and am sixty nine years old.

Q State if you are a recognized citizen by blood of the Cherokee Nation ? A I am.

Q Was you acquainted with the father of Eliza C. Redding during his lifetime ? A Yes sir.

Q What was his name ? A Joe Ross.

Q What do you know about him being a citizen of the Cherokee Nation, if anything ? A Well, I know that he was a second cousin of my mother; my mother was a Cherokee, and his mother was a first cousin of her's, and she was a Cherokee related to the Lowries and Morgans, of the Cherokee Nation, who are recognized citizens of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation moves that that answer be stricken from the record inasmuch as it is not responsive to the question as to what was his citizenship.

By Mr. Watkins:

Q What was his citizenship ? A He was a citizen of the Cherokee Nation.

Q Did he live in the Cherokee Nation ? A Yes sir.

Q Do you know when he died ? A No, I don't know for certain, but about 1850 I think. That's the best information I have.

Q Do you know whether he was a citizen or not at the time he died ?

A Yes sir he was a citizen then.

By Mr. Hastings:

Q Where did he die ? A He died in Fort Smith. So I have been told; I don't know where he did die.

Q How long since you had seen him before his death ?

A Well, when I knew him it was between 1846 and 1850.

Q You don't have any recollection of seeing him after 1846 ?

A I don't remember, I couldn't say that.

Q You don't know where he was living when he died ?

A No sir I don't know where he was living at the time.

Q Do you know where this woman Eliza C. Redding was born, of your own knowledge ? A No sir.

Q Do you know that she lived in Arkansas for years ?

A I don't know anything about that.

Q You say that is your information, that her father Joe Ross died in Fort Smith, Arkansas ? A Yes sir.

By the Commission:

Q Was the father of Eliza C. Redding, when you knew him, living in the Cherokee Nation ? A Yes sir.

Q Was he considered and recognized by all the people here then as a Cherokee by blood ? A Yes sir.

Q Do you know the mother of Eliza C. Redding ?

A No I don't know her.

By Mr. Hastings:

Q Do you know where he was married to her mother ? A No sir.

Q Do you know whether she ever lived in the Cherokee Nation or not ?

A I don't know that. The point I prove is about Joe Ross.

MARY T. SIMS, being duly sworn and examined by the Commission, testified as follows:

Examined by Mr. Watkins:

Q What is your name ? A Mary T. Sims.

Q Your age ? A Forty four.

Q Your post office address ? A Gritts, Indian Territory.

Q Are you a citizen of the Cherokee Nation by blood ?

A Yes sir.

Q Where was you born ? A In Scott County, Arkansas.

Q How long have you been a citizen ? A I have been a citizen here for twenty four years.

Q Was you acquainted with Joe Ross the father of Eliza C. Redding ?

A No sir, I wasn't acquainted with him. My father and him was brothers.

Q Your father and Joe Ross were brothers ? A Yes sir.

Q He was your own blood uncle ? A Yes sir.

Q Was he a Cherokee by blood ? A Yes sir that's what I was always told by my father.

Q Do you know whether he was a citizen of the Cherokee Nation ?

A Yes sir he was.

Q Well, how long have you knowed the applicant here Eliza C. Redding ? A Ever since I can recollect anything.

Q Well, has it been understood in the neighborhood down there that she was a Cherokee by blood ? A Yes sir.

Mr. Hastings: Don't answer that question. The Cherokee Nation desires to object to that question, for the reason that it is of purely a hear-say character, and in no way tends to prove the citizenship here of the applicant.

Examined by Mr. Hastings:

Q Where were you born ? A In Scott County, Arkansas.

Q Where is Scott County; how far from the Territory line ?

A Well sir, I can't tell you; its right there close I guess. I was born fifty miles from Fort Smith.

Q Well why didn't you tell me that ? A You never asked me.

Q I asked you how far Scott County was from there ? How long did you live in Scott County ?

A Well sir, I had lived there until I moved to the Territory.

- Q When was that ? A Why I have been here twenty three years ago.
- Q Then you moved here about 1879 ? A Yes sir.
- Q What was your maiden name ? A Ross.
- Q You knew Eliza C. Redding in Arkansas ? A Yes sir.
- Q Did you know her mother ? A No sir.
- Q With whom was she living when you knew her ? A With my father.
- Q Did she come here with you ? A No sir, she didn't come here with me.
- Q Did she marry in Scott County, Arkansas ? A Yes sir.
- Q How many children did she have born to her in Scott County, Arkansas ? I will just do like Mr. Watkins; what did the neighbors say about how many children she had born there ? A Four or five.
- Q Her husband was a recognized citizen there in Scott County, Arkansas ? A Yes sir.
- Q They enjoyed the same privileges there in Scott County, Arkansas, that other people did ? A Yes sir I guess they did.
- Q You never saw any difference did you ? A No sir.
- Q The people all recognized them as enjoying the same kind of rights down in Scott County, Arkansas ? A Yes sir, I guess so.
- Q You never heard people down there say that they recognized them in any other way ? A Yes sir they recognized them as Cherokees.
- Q I say in regard to their citizenship down there ? A No sir.
- Q You never heard them say in any public meetings down there, the people in public meetings get up and say anything else, but what they were citizens down there did you ? A No sir.
- Q Never saw it published in any of the newspapers down there any other way did you ? A Why no sir.

Mr. Hastings: I guess the Secretary will think I am crazy, but I just wanted to show how ridiculous it was for Mr. Watkins to ask questions of that kind.

- Q How long has Eliza C. Redding been in the Cherokee Nation ? A Well sir, I can't say how long she has been here.
- Q Well about how long; how long after you came ? A She has been here about twenty one years I suppose.
- Q She was a married woman then ? A Yes sir.
- Q She brought this husband and these children with her ? A Yes sir, part of her children.
- Q She was born in Scott County, Arkansas ? A Well sir, she was born in Fort Smith.
- Q Arkansas ? A Well I can't say whether Fort Smith is in Arkansas or not.
- Q And so far as you know she always lived in Arkansas until she moved here twenty one years ago ? A Yes sir.
- Q Married there ? A Yes sir.
- Q Were all these children born there ? A Part of the children were born there, and part in the Territory.

Examined by Mr. Watkins:

- Q Was your father a recognized citizen of the Cherokee Nation ?
A Yes sir, always.
Q And her father was your father's brother ? A Yes sir.

By the Commission:

- Q What was your father's name ? A Andrew Ross.
Q Is he living ? A No sir.
Q When did he die ? A He has been dead about eleven years.
Q Where was he living when he died ? A He was living there close to Webbers Falls, down here in the Cherokee Nation..
Q Did he come to the Cherokee Nation from Arkansas at the time you say you came here ? A Yes sir.
Q You came with him ? A Yes sir, I came with my father.
Q How old was Eliza C. Redding as far back as you can remember ?
A Well sir, she was eleven years old when she came to live with my father.
Q And did she live with your father in Arkansas up till the time she married ? A Yes sir.
Q She was one of his family ? A Yes sir.
-

ELIZA C. REDDING, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is Eliza C. Redding is it ? A Yes sir.
Q You are the applicant in this case ? A Yes sir.
Q What was the name of your father Mrs. Redding ?
A Joseph Ross.
Q Is he living or dead ? A He's dead.
Q How long has he been dead ? A Ever since I was nine months old.
Q Where did he die ? A Fort Smith.
Q What was your mother's name ? A Priscilla.
Q Was she a white woman ? A Yes sir.
Q Is she living ? A No sir.
Q When did she die ? A She died the same night my father did; they died of cholera.
Q When did you first come to the Cherokee Nation, from Arkansas, to live ? A About twenty one years ago.
Q You were married at the time you came ? A Yes sir.
Q How many children did you have before you came here ?
A Six, and three of them was dead, and I brought three with me.
Q How old are you now ? A I will be fifty three years old the 8th day of March.
Q Your father has been dead then about fifty two years, or a little over ? A Yes sir, I suppose so.

Examined by Mr. Watkins:

- Q Did you participate in the drawing of the Old Settler money ?

Mr. Hastings: Come now the representatives of the Cherokee Nation, and object to this question, because it is entirely immaterial for the reason that, the record shows that people in California, Texas, Georgia, and elsewhere, drew Old Settler money, and it was not a roll of the citizens of the Cherokee Nation, and does not in any wise tend to prove that the applicant was entitled to citizenship

in the Cherokee Nation. It was not even a blood roll.

The Commission: Answer the question.

A Yes sir I drew it.

Q After you came to this country did Mr. Redding marry you according to the laws of the Cherokee Nation?

A Yes sir, he did; he got up the signers, and we married according to Cherokee law.

Q Have you and him been recognized as Cherokee citizens ever since?

A Yes sir.

Examined by Mr. Hastings:

Q Have you ever been admitted by the Cherokee National Council?

A I think we were.

Q Well were you? A I can't answer that question.

Q You have never filed any testimony showing that you were ever admitted by any legally constituted authorities of the Cherokee Nation?

A No sir.

Q You were never admitted by the Dawes Commission?

A Not that I remember of.

The Commission: It is directed that copies of this testimony be filed in Cherokee D 159; Cher D 160 and Cher D 161;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 19, 1902.

B. C. Jones
Notary Public

D160

MATTER OF THE APPLICATION OF

Julia M. Nicholson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 22, 1900

B. Mem^o of application. " 22, 1900

C. Birth affidavit, Eliza D. Nicholson

Notice of final consideration

E Receipt for testimony

Testimony in case of Eliza D. Nicholson 2/24/02
Sub. " " " " 2/19/02

Order for filing above test in this case.

Cancelled and transferred
to file 160

Page 1

Cher D 161

Cher D 161

2101

ADMISSION TO THE VETERAN'S
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application of David A. McGlamery for enrollment of himself, wife and three children, as citizens of the Cherokee Nation, said McGlamery being sworn by Commissioner Brockbridge testified as follows:

Q What is your name? A David A. McGlamery.
Q Your age? A 34.
Q Your postoffice? A Starvilla.
Q Your district? A Canadian.
Q For whom do you make application for enrollment? A Myself, wife and three children.
Q You apply for yourself as a citizen by blood? A No sir, adoption.
Q You apply for your wife as a citizen by blood? A Yes.
Q Have you your marriage license? A No sir. I sent them to the Dawes Commission in '96.
Q Did you apply ~~xxxxxx~~ then for admission for citizenship? A I did not apply; I sent in my license.
Q When were you married? A '90.
Q Married according to Cherokee law? A Yes.
Q Have you and your wife lived together ever since you were married in '90? A Yes.
Q Lived with your wife continuously in the Cherokee Nation? A Yes.
Q What is the name of your father? A Isaac McGlamery.
Q White man or Cherokee? A White man.
Q Dead or living? A Dead.
Q Your mother-- what was her name? A Liza.
Q She was a white woman? A Yes.
Q Dead or alive? A Dead.
Q Now give me, please, the name of your wife? A Rosa Bell.
Q How old is she? A 26 years old.
Q What was her name before you married her? A Redding.
Q Was that her maiden name? A Yes.
Q Is she a Cherokee Indian? A Yes.
Q Is she on the roll of '89? A I don't think she is.
Q Was she ever admitted by the Cherokee Commission? A I think she was admitted about '79.
Q You have certificate of admission? A No sir.
Q What was the name of your wife's father? A W. T. Redding.
Q Was he a Cherokee or white man? A White man.
Q Dead or alive? A Alive.
Q What is the name of your wife's mother? A Eliza C.
Q Was she a white woman or a Cherokee? A Cherokee.
Q Is she dead or alive? A Alive.
Q Give me names, please, of your children? A Felix C., 8 years old.
On '94 roll, page 47, number 1289.
Q Next? A Esther C., 5 years old.
On '96 roll, page 47, number 1290.
Q Next? A John S., 2 years old.
Applicant on '96 roll, page 90, number 172, as David McGlamery.

Applicant's wife on '96 roll, page 47, number 1288.

On '94 roll, page 61, number 1402, as Rosa McGlamery.

Q The applicant claims that his wife was admitted to citizenship by the Cherokee Commission in about '79. He has no certificate of her admission, and he is desired to have the same furnished with a certified copy of the act of admission. He states that his marriage license was sent to the Dawes Commission in '96 showing that he had been married to his present wife under Cherokee law in '90. This is supposed to be at the Commission's office in Muskogee at this

He is identified on the roll of '96. His wife is identified on the rolls of '94 and '96, and his two older children are identified on the roll of '96. His youngest child, John S., is too young to be upon any roll. He is desired to furnish this Commission with a duly authenticated certificate of this child's birth, and at present all of them will be placed upon a doubtful card to await the further evidence indicated.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown McQuinn

Subscribed and sworn to before me this 10th day of September, 1900.

A. H. Smith

Commissioner.

DEPARTMENT OF
COMMISSION TO THE

INTERIOR
UNITED STATES

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ATTENDING

To be filed with D-161, David A. McGlamery et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., August 22, 1900.

IN THE MATTER OF THE APPLICATION OF Eliza C. Redding and four children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Eliza C. Redding.
Q What is your age? A Born in '50.
Q Makes you about fifty years old? A Yes, sir.
Q What is your postoffice? A Starville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A Nineteen or twenty years.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A Myself and four children.
Q What is your father's name? A Joseph Ross.
Q Is he living? A No, sir.
Q When did he die? A When I was nine months old.
Q What is your mother's name? A Prescilla Ross.
Q Is she living? A No, sir; they both died, one after the other.
Q What are the names of your children? A Samuel Redding.
Q How old is Samuel? A Seventeen years old the 30th of July.
Q Name of the next one? A Amanda L. Redding.
Q How old is Amanda? A She will be 15 the 5th day of December.
Q What is the name of the next one? A Jessie M. Redding.
Q How old? A Twelve the 5th of next June.
Q Name of the next one? A Isaac Escoe Redding.
Q How old? A Ten years old.
Q Next one? A That is all.
Q Are these children living and living with you? A Yes, sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q Where did you come from? A Scott County, Arkansas.
Q Were you admitted here? A Yes, sir.
Q When; have you any papers or anything? A No, sir; Mr. Redding has them.

By the Commission:

Q Is he dead? A No, sir.
Q Where is he? A In Canadian District somewhere.

By Mr. W. W. Hastings, Cherokee Representative:

Q Are you separated? A Yes, sir.

By the Commission:

(Eliza C. Redding identified on the roll of 1896, page 60, #1637, Canadian District.)

(1894 roll, page 82, #1718, Eliza C. Redding, Canadian District.)

Identification of applicant's children:

(1896 roll, page 60, #1639, Samuel Redding, Canadian District.)

(1896 roll, page 60, #1640, Amanda Redding, Canadian District.)

(1896 roll, page 60, #1641, Jesse M. Redding, Canadian District.)

(1896 roll, page 60, #1642, Isaac Redding, Canadian District.)

Q What proof have you Mrs. Redding of your citizenship? A All the proof I have got is that we have been here and drawn money.

By Mr. W. W. Hastings, Cherokee Representative:

Q What is your husband's name? A W. T. Redding.

By the Commission:

Q Did you ever apply to the Dawes Commission for citizenship?

A He did for us.

Q When? A In 1896.

By Mr. W. W. Hastings, Cherokee Representative:

Q You were married to your husband in the State, were you not?
A Yes, sir, and when I came to the Territory, we were married over.

The name of Eliza C. Redding appearing on the census roll of 1886; also upon the pay roll of 1884; upon an examination of the rolls of 1880, her name is not found. She avers that she was admitted by the Cherokee Council as a Cherokee citizen in 1879; the names of her children appear on the census roll of 1886, but because of her name not being on the authenticated roll of 1880, and she presenting no proof of her readmission, her name and that of her children will be placed on what is known as a doubtful card. Final judgment of the Commission as to the enrollment of herself and children is suspended. Upon proof being made as to this; also proof as to her admission to citizenship by the Cherokee Nation, she and her said children will be duly listed for enrollment as Cherokee citizens by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. D. Cravens.

Subscribed and sworn to before me this 30th day of August, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur C. Croninger

Subscribed and sworn to before me this 21st day of February, 1902.



Commissioner.

COMMINS

1000

HUMAN

To be filed in D-161, David A. McGlamery et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Eliza C. Redding for the enrollment of herself and children as citizens of the Cherokee Nation, D-158.

Applicant represented by Joshua Ross and John Watkins,
Muskogee, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

JESSE T. ROSS, being duly sworn, testified as follows:

- COMMISSION: What is your name? A Jesse T. Ross.
Q How old are you? A 51 years old.
Q What is your postoffice address? A Critts.
MR. WATKINS: Are you a Cherokee Indian by blood? A Yes, sir.
Q You are a bona fide citizen of the Cherokee Nation at this time are you not? A Yes, sir.
Q Are you acquainted with Eliza Catherine Redding? A Yes, sir.
Q How long have you been acquainted with her? A I couldn't tell that.
Q Well, give us an impression? A About forty years.
Q Do you know when she came to the Indian country? A Why I think it was in '80 or '81, I couldn't say positively.
Q Well, now, state if you know anything in regard to her Cherokee Indian blood? A Well, I was always told—

COMMISSION: State what you know about it personally, not what you were told.

- Witness: Well, of course I couldn't state nothing of that sort.
Q Is she a relative of yours? A Yes, sir.
Q On the Cherokee side? A Yes, sir.

MR. HASTINGS: I submit here that if this woman came here in '80 or '81, and the record shows she is about fifty years of age, and she was born in the states as the record shows, that no evidence would be competent to enroll her except evidence to the effect that she was admitted; that is the only evidence on earth that would be admissible in this case.

COMMISSION: Have you any evidence of that fact?

MR. WATKINS: No, sir.

COMMISSION: There is offered in evidence a certified copy of a marriage license issued by H. J. Vann, Clerk of Canadian District, Cherokee Nation, authorizing the marriage of William Thomas Redding, a white man, a citizen of the United States, and Eliza C. Redding, his wife, formerly Eliza C. Ross, a Cherokee woman; and a certificate showing that the parties were united in matrimony in accordance with said license on the 15th day of December, 1882, by H. J. Vann, Clerk of Canadian District, Cherokee Nation. The license and certificate are filed herewith.

MR. WATKINS: We desire ten days in which to obtain the certificate of admission.

COMMISSION: The attorneys for the applicant will be granted ten days in which to search the records of the Cherokee Nation for the purpose of ascertaining whether the applicant, Eliza C. Redding, was ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

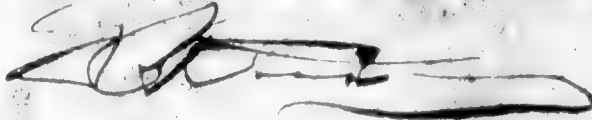
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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing

is a true and complete transcript of his stenographic notes thereof.

Arthur Chandler

Subscribed and sworn to before me this 20th day of February, 1902.

A stylized, handwritten signature in dark ink, likely belonging to the Commissioner, positioned above the printed title.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 23, 1902.

In the matter of the application of David A. McGlamery for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rosa B. and children Felix G., Esther C. and John S. McGlamery, as citizens by blood of the Cherokee Nation.

David A. McGlamery, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A David Austin McGlamery.
Q What is your postoffice? A Starvilla.
Q Are you an applicant before the Commission for enrollment as a citizen? A Yes sir.
Q Do you apply by blood or intermarriage? A Intermarriage.
Q What is your wife's name? A Rosa Bell.
Q What was her maiden name? A Redding.
Q What was her mother's name? A Eliza Catherine Redding.
Q Is she living? A Yes sir.
Q When were you married to your wife? A At Briarto n.
Q When? A In '90.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you filed that license or a copy of it with the Commission? A Yes sir.
Q It is already on file is it? A Yes sir.
Q Have you and your wife lived together ever since your marriage in '90? A Yes sir.
Q Lived in the Cherokee Nation from that time until now? A Yes sir.
Q Living together now? A Yes sir.
Q Never separated? A No sir.
Q Living with her on the first day of this month in the Cherokee Nation? A Yes sir.
W. Hastings: Were you ever married before? A No sir.
Q Was your wife ever married before? A Yes sir.
Q What was her first husband's name? A Stewart.
Q Did they live together until his death? A No sir.
Q Is your wife here? A Yes sir.

Rosa Bell McGlamery, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Rosa Bell McGlamery.
Q Are you the wife of David A. McGlamery? A Yes sir.
Q What is your mother's name? A Eliza Catherine Redding.
Q When were you married to David A. McGlamery? A I was married to him in 1890.
Q Have you lived with him ever since? A Yes sir.
Q Living with him now? A Yes sir.
Q Lived all the time in the Cherokee Nation? A Yes sir.
Q Were you ever married prior to your marriage to McGlamery? A Yes sir.
Q What was your first husband's name? A Alonzo Stewart.
Q Is he living or dead? A He is dead now.
Q When did he die? A I don't know what year he died, I just heard lately.
Q He was living when you married McGlamery? A Yes sir.
Q You? and he separated? A Yes sir.
Q Were you ever divorced from him? A Yes sir.
Q Where did you get the divorce? A I never got any written divorce; he married me under false pretenses and when I found it out I and he separated and when I applied for divorce the court couldn't grant me a divorce under the terms we were married under.
Q What do you mean by false pretenses? A What I had down in my mind, that he just storied to me about being an "injun" when he wasn't.

2- David A. McGlamery et al.

- Q When he told you he was an "injun"? A Yes sir, and didn't get any license.
- Q And you and he separated? A Yes sir.
- Q You left him and quit living with him? A Yes sir.
- Q Were you married to him by a preacher? A Yes sir.
- Q Regularly married by a preacher? A Yes sir, I was.
- Q And you quit and applied for a divorce and the court wouldn't give it? A The Cherokee Court said they wouldn't grant it under that term.
- Q You married McGlamery before Stewart died? A Yessir.
- Watkins & Ross: You had a license when you married Mr. McGlamery? A Yes sir.
- W.W. Hastings: How long did you live with Stewart? A About five months.
- Q About when did you marry him? A I don't remember just what year it was.
- Q How long before you married McGlamery? A About one year and eight months.
- Q Then it was some time in '87 or '88? A About that time some where, I reckon.
- Q What time in '90 were you married to your last husband? A The 8th day of December.
- Q Who married you to Stewart? A Steven Austin.
- Q Did Stewart have a Cherokee marriage license? A No sir, I don't think he did.
- Q That is the reason the Court wouldn't grant no divorce for he didn't have no Cherokee license? A That is all I know.
- W.W. Hastings: He died recently? A He died somewhere in the last two years; the last I heard of him he was in Texas, and I heard after that he was dead.
- Commission: Have you any children by Stewart? A No sir.
- Q Have you any children by this last marriage? A Yes sir.
- Q Give their names. A Felix M.
- Q How old is he? A He is going on - he was born in '92. He is ten years old I suppose.
- Q What is the next one? A Esther C. L.
- Q How old is that child? A She was born in '95.
- Q What is the next one? A John Samuel.
- Q How old is he? A He was born in '98.
- Q What is the next one? A That is all that is living.
- Q Are these children all living now at home with you? A Yes sir, these three I give in here.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rotherberger

Subscribed and sworn to before me this 1st day of October, 1902.

B. O. Jones
Notary Public.

Cherokee D-161.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., September 23, 1902.

In the matter of the application of Eliza C. Redding et al.
for enrollment as citizens by blood of the Cherokee Nation.
Apparances W.E. Hastings, Cherokee Attorney; Watkins and Ross,
for applicants.

Eliza C. Redding, being sworn and examined by the Commission,
testified as follows:

Q What is your name? A Eliza C. Redding.

Q What is your postoffice address? A Starvilla.

Q How old are you? A I suppose I am fifty-two years old.

Q How long have you lived in the Cherokee Nation? A Twenty-one
years.

Q Lived there all the time for the last twenty-one years? A Yes sir,
within five miles from where I first lodged.

Q Are you the same Eliza C. Redding that made application to the
Commission for admission as a citizen of the Cherokee Nation? A
Yes sir, I am the same one.

By John Watkins, applicant's attorney: Mrs. Redding, you know
when you were enrolled the first time on a Cherokee roll? A '83.
I said '83, I mean '83; no, '83. We had been here two years before
we enrolled; we enrolled in August, '83.

Q When did you enroll again? A '86.

Q When did you enroll again? A Well, it was when the \$14.00 for
the head was paid out. Mr. Redding gave in the census then and I
can't recollect how he gave them in before, because he tended to
the business after '83. He did all the rest of the enrolling after
the first time. I enrolled myself then and I brought witnesses here
to prove that my family was enrolled.

Q Mr. Redding attended to the enrolling after what time? A After
'83.

Q When did you first draw money? A Mr. Redding drew it at
Webbers Falls.

Q How much? A Fifteen dollars and something to the head.

Q When was that? A I expect the enrollment was taken and the
next spring the money was paid out.

Q How long ago has that been? A It has been 18 years.

Q When did you draw any after that, if at all? A In '86.

Q When did you draw again? A I don't remember the year now, it
was in '90 I believe. Yes, in '90.

Q How much did you draw? A Fourteen dollars and something to the
head.

Q Then did you draw next? A When we drew the strip money.

Q How much strip money did you draw and when did you draw it? A
You have me puzzled, I don't remember. In '94.

Q Do you remember how much you drew? A Two hundred and some odd
dollars.

Q Did you get any of the old settler money? A Yes sir.

Comes now the representative of the Cherokee Nation and most
emphatically objects to going into that proposition because it is
absolutely no evidence whatever of citizenship.

Commission: The objection will be noted; answer the question.

Applicant's attorney: She has already answered the question.

Q You have lived continuously for the last twenty-one years in the
Cherokee Nation? A Yes sir.

Q And been recognized as a bona fide citizen of the Cherokee Nation
by blood? A Yes sir.

Q You and your children? A Me and my children.

Q You are single I believe now? A Yes sir.

Q And unmarried? A Yes sir.

3- Eliza C. Redding-

By W. F. Hastings: Is your husband dead? A No sir, he just left me.

Q Has he applied for enrollment? A He did once, but then me and him are divorced.

Q Where is he? A In Arkansas, Polk County.

Q How long has he been there? A Nearly a year.

Q Did he leave you or you leave him? A He left me and I sued him for divorce.

Q What is his name? A W. T. Redding.

Q Did you get the divorce? A Yes sir.

Q Where were you born? A I was born right down at Fort Smith.

Q Arkansas? A Yes sir.

Q Where were you married? A I was married in Arkansas, and then when we came to the territory Mr. Redding and I was married over according to Cherokee law in Briartown District.

Q When were you married first? A I can't remember; I was married in my sixteenth year, the day I was sixteen years old.

Q How old did you say you were? A Going on fifty-two.

Q That will be 36 years ago you were married then, just right after the war? A Yes sir.

Q Did you live in Fort Smith when you married? A My father died in Fort Smith.

Q When you were married? A No, I never lived in Fort Smith, we lived in Arkansas, near Waldren.

Q Did you continue to live there until the time you came there? A I couldn't help myself, I was raised there.

Q I asked you if you lived there? A Yes sir, I lived there until we come to the territory.

Q Then you were born, lived and married in the State of Arkansas until the time you stated you came to the Cherokee Nation? A Yes sir.

Q How many children were born in Arkansas? A Six; three of them are dead.

Applicant's attorney: How many in the nation? A Four born in the nation.

Commission: What district were you living in in 1883 when you were enrolled? A In Canadian District, at Briartown.

Q What district were you living in when you drew the next money in 1886? A In Canadian District.

Q Were you in the same district all the time? A Yes sir.

Q Were you living in Canadian District in 1890 when you drew the money in 1890? A Yes sir, in Canadian District.

Q What district were you living in in 1894 when you drew the strip money? A Canadian District.

Q What is your middle name, for what is the "C" in your name? A I don't know what it stands for.

Q Are you sometimes known as Catherine Redding? A My name is sometimes down as Catherine and sometimes Eliza Catherine Redding.

The 1886 roll examined in Canadian District, page 66, No. 1290, and the name of Catherine Redding, aged 36, is found thereon. No. 1291, Percille Jane Redding, aged 15; No. 1292, Rosa Redding, aged 13; No. 1293, Lula Redding, aged 7; 1294, Sam Redding, aged 3; No. 1295, Amanda Redding, aged six months.

Q What is Lula's middle name? A Lula Minnie.

Q Are Priscilla Jane, Rosa, Lula, Amanda and Sam Redding your children? A Yes sir.

3-Eliza C. Redding-

The 1883 roll examined and the names of the applicants found thereon as follows: In Canadian District, No. 1276, L. C. Reading; No. 1277, C. J. Reading; No. 1278, R. B. Reading; No. 1279, L. M. Reading; No. 1280, Samuel Reading.

The 1890 roll examined and their names found thereon as follows: In Canadian District, No. 1736, Eliza C. Redden; No. 1737, Rosa B. Redden; No. 1738, Lula N. Redden; No. 1739, Samuel Redden; No. 1740, Amanda L. Redden; No. 1741, Jesse N. Redden.

The 1894 roll examined and their names found thereon as follows: Page 82, No. 1718, Eliza C. Redding; No. 1719, Lula M. Redding; No. 1720, Samuel Redding; No. 1721, Amanda L. Redding; 1722, Jesse M. Redding; No. 1723, Isaac Escoe Redding.

Commission: How many children of yours are under age and living with you? A Four.

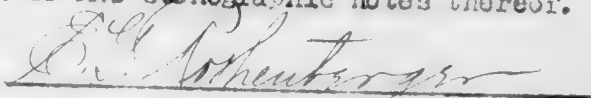
Q What are their names? A Sammie, Amanda Lee, Jessie May and Isaac Escoe.

Q Is Lula married? A Yes sir.

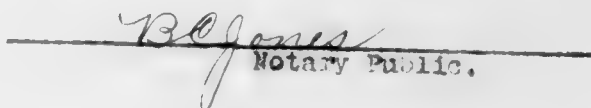
Q What other ones are married? A Rosa Bell and Priscilla Jane.

It is ordered that copies of this testimony be filed with and made a part of the record in D-160, Lula M. Nicholson et al., and also in D-161, David A. McGlenery et al., also D-159 Cilla J. Walter et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 30th day of September, 1902.


Notary Public.

Cher
Supp'l to D 158
TO BE FILED WITH D 161-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of ELIZA C. REDDING, for the enrollment of herself, and her children, SAMUEL, AMANDA, JESSIE M. and ISAAC E. REDDING, as citizens by blood of the Cherokee Nation:

Appearances:

Applicant appears in person and by John Watkins, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

JOSHUA ROSS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Watkins:

Q State your name, age and residence ? A Joshua Ross; I live at Muskogee; and am sixty nine years old.

Q State if you are a recognized citizen by blood of the Cherokee Nation ? A I am.

Q Was you acquainted with the father of Eliza C. Redding during his lifetime ? A Yes sir.

Q What was his name ? A Joe Ross.

Q What do you know about him being a citizen of the Cherokee Nation, if anything ? A Well, I know that he was a second cousin of my mother; my mother was a Cherokee, and his mother was a first cousin of her's, and she was a Cherokee related to the Lowries and Morgans, of the Cherokee Nation, who are recognized citizens of the Cherokee Nation.

Mr. Hastings: The Cherokee Nation moves that that answer be stricken from the record inasmuch as it is not responsive to the question as to what was his citizenship.

By Mr. Watkins:

Q What was his citizenship ? A He was a citizen of the Cherokee Nation.

Q Did he live in the Cherokee Nation ? A Yes sir.

Q Do you know when he died ? A No, I don't know for certain, but about 1850 I think. That's the best information I have.

Q Do you know whether he was a citizen or not at the time he died ?

A Yes sir he was a citizen then.

By Mr. Hastings:

Q Where did he die ? A He died in Fort Smith. So I have been told; I don't know where he did die.

Q How long since you had seen him before his death ?

A Well, when I knew him it was between 1846 and 1850.

Q You don't have any recollection of seeing him after 1846 ?

A I don't remember, I couldn't say that.

Q You don't know where he was living when he died ?

A No sir I don't know where he was living at the time.

Q Do you know where this woman Eliza C. Redding was born, of your own knowledge ? A No sir.

Q Do you know that she lived in Arkansas for years ?

A I don't know anything about that.

Q You say that is your information, that her father Joe Ross died in Fort Smith, Arkansas ? A Yes sir.

By the Commission:

Q Was the father of Eliza C. Redding, when you knew him, living in the Cherokee Nation ? A Yes sir.
Q Was he considered and recognized by all the people here then as a Cherokee by blood ? A Yes sir.
Q Do you know the mother of Eliza C. Redding ?
A No I don't know her.

By Mr. Hastings:

Q Do you know where he was married to her mother ? A No sir.
Q Do you know whether she ever lived in the Cherokee Nation or not ?
A I don't know that. The point I prove is about Joe Ross.

MARY T. SIMS, being duly sworn and examined by the Commission, testified as follows:

Examined by Mr. Watkins:

Q What is your name ? A Mary T. Sims.
Q Your age ? A Forty four.
Q Your post office address ? A Gritts, Indian Territory.
Q Are you a citizen of the Cherokee Nation by blood ?
A Yes sir.
Q Where was you born ? A In Scott County, Arkansas.
Q How long have you been a citizen ? A I have been a citizen here for twenty four years.
Q Was you acquainted with Joe Ross the father of Eliza C. Redding ?
A No sir, I wasn't acquainted with him. My father and him was brothers.
Q Your father and Joe Ross were brothers ? A Yes sir.
Q He was your own blood uncle ? A Yes sir.
Q Was he a Cherokee by blood ? A Yes sir that's what I was always told by my father.
Q Do you know whether he was a citizen of the Cherokee Nation ?
A Yes sir he was.
Q Well, how long have you known the applicant here Eliza C. Redding ? A Ever since I can recollect anything.
Q Well, has it been understood in the neighborhood down there that she was a Cherokee by blood ? A Yes sir.

Mr. Hastings: Don't answer that question. The Cherokee Nation desires to object to that question, for the reason that it is of purely a hear-say character, and in no way tends to prove the citizenship here of the applicant.

Examined by Mr. Hastings:

Q Where were you born ? A In Scott County, Arkansas.
Q Where is Scott County; how far from the Territory line ?
A Well sir, I can't tell you; its right there close I guess. I was born fifty miles from Fort Smith.
Q Well why didn't you tell me that ? A You never asked me.
Q I asked you how far Scott County was from there ? How long did you live in Scott County ? A Well sir, I was lived there until I moved to the Territory.

- Q When was that ? A Why I have been here twenty three years ago.
- Q Then you moved here about 1879 ? A Yes sir.
- Q What was your maiden name ? A Ross.
- Q You knew Eliza C. Redding in Arkansas ? A Yes sir.
- Q Did you know her mother ? A No sir.
- Q With whom was she living when you knew her ? A With my father.
- Q Did she come here with you ? A No sir, she didn't come here with me.
- Q Did she marry in Scott County, Arkansas ? A Yes sir.
- Q How many children did she have born to her in Scott County, Arkansas ? I will just do like Mr. Watkins; what did the neighbors say about how many children she had born there ? A Four or five.
- Q Her husband was a recognized citizen there in Scott County, Arkansas ? A Yes sir.
- Q They enjoyed the same privileges there in Scott County, Arkansas, that other people did ? A Yes sir I guess they did.
- Q You never saw any difference did you ? A No sir.
- Q The people all recognized them as enjoying the same kind of rights down in Scott County, Arkansas ? A Yes sir, I guess so.
- Q You never heard people down there say that they recognized them in any other way ? A Yes sir they recognized them as Cherokees.
- Q I say in regard to their citizenship down there ? A No sir.
- Q You never heard them say in any public meetings down there, the people in public meetings get up and say anything else, but what they were citizens down there did you ? A No sir.
- Q Never saw it published in any of the newspapers down there any other way did you ? A Why no sir.

Mr. Hastings: I guess the Secretary will think I am crazy, but I just wanted to show how ridiculous it was for Mr. Watkins to ask questions of that kind.

- Q How long has Eliza C. Redding been in the Cherokee Nation ? A Well sir, I can't say how long she has been here.
- Q Well about how long; how long after you came ? A She has been here about twenty one years I suppose.
- Q She was a married woman then ? A Yes sir.
- Q She brought this husband and these children with her ? A Yes sir, part of her children.
- Q She was born in Scott County, Arkansas ? A Well sir, she was born in Fort Smith.
- Q Arkansas ? A Well I can't say whether Fort Smith is in Arkansas or not.
- Q And so far as you know she always lived in Arkansas until she moved here twenty one years ago ? A Yes sir.
- Q Married there ? A Yes sir.
- Q Were all these children born there ? A Part of the children were born there, and part in the Territory.

Examined by Mr. Watkins:

- Q Was your father a recognized citizen of the Cherokee Nation ?
A Yes sir, always.
Q And her father was your father's brother ? A Yes sir.

By the Commission:

- Q What was your father's name ? A Andrew Ross.
Q Is he living ? A No sir.
Q When did he die ? A He has been dead about eleven years.
Q Where was he living when he died ? A He was living there close to Webbers Falls, down here in the Cherokee Nation.
Q Did he come to the Cherokee Nation from Arkansas at the time you say you came here ? A Yes sir.
Q You came with him ? A Yes sir, I came with my father.
Q How old was Eliza C. Redding as far back as you can remember ?
A Well sir, she was eleven years old when she came to live with my father.
Q And did she live with your father in Arkansas up till the time she married ? A Yes sir.
Q She was one of his family ? A Yes sir.
-

ELIZA C. REDDING, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is Eliza C. Redding is it ? A Yes sir.
Q You are the applicant in this case ? A Yes sir.
Q What was the name of your father Mrs. Redding ?
A Joseph Ross.
Q Is he living or dead ? A He's dead
Q How long has he been dead ? A Ever since I was nine months old.
Q Where did he die ? A Fort Smith.
Q What was your mother's name ? A Priscilla.
Q Was she a white woman ? A Yes sir.
Q Is she living ? A No sir.
Q When did she die ? A She died the same night my father did; they died of cholera.
Q When did you first come to the Cherokee Nation, from Arkansas, to live ? A About twenty one years ago.
Q You were married at the time you came ? A Yes sir.
Q How many children did you have before you came here ?
A Six, and three of them was dead, and I brought three with me.
Q How old are you now ? A I will be fifty three years old the 8th day of March.
Q Your father has been dead then about fifty two years, or a little over ? A Yes sir, I suppose so.

Examined by Mr. Watkins:

- Q Did you participate in the drawing of the Old Settler money ?

Mr. Hastings: Come now the representatives of the Cherokee Nation, and object to this question, because it is entirely immaterial for the reason that, the record shows that people in California, Texas, Georgia, and elsewhere, drew Old Settler money, and it was not a roll of the citizens of the Cherokee Nation, and does not in any wise tend to prove that the applicant was entitled to citizenship

in the Cherokee Nation. It was not even a blood roll.

The Commission: Answer the question.

A Yes sir I drew it.

Q After you came to this country did Mr. Redding marry you according to the laws of the Cherokee Nation?

A Yes sir, he did; he got up the signers, and we married according to Cherokee law.

Q Have you and him been recognized as Cherokee citizens ever since?

A Yes sir.

Examined by Mr. Hastings:

Q Have you ever been admitted by the Cherokee National Council?

A I think we were.

Q Well were you?

A I can't answer that question.

Q You have never filed any testimony showing that you were ever admitted by any legally constituted authorities of the Cherokee Nation?

A No sir.

Q You were never admitted by the Dawes Commission?

A Not that I remember of.

The Commission: It is directed that copies of this testimony be filed in Cherokee D 159; Cher D 160 and Cher D 161;

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this December 19, 1902.

B. C. Jones
Notary Public.

IN THE MATTER OF THE APPLICATION OF

David A. McGlamery et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Memo of application - " 22, 1900

C. Birth affidavit - John A. McGlamery

D. W. at large record and affidavit

Notice of final consideration

Receipt for testimony

Test. from care of Edw. C. Redding - 8/24/00

Sup. Test. " " " " " 2/19/02

Order for filing above test in this case.

111 1907

Cher D 162

Cher D 162

IN THE MATTER OF THE APPLICATION OF

Cherokee G. Thompson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 22, 1900

B. Mem^o of application " 22, 1900

Notice of final consideration

Supplemental testimony and order

Closing testimony 2/19/02

[Large handwritten signature/initials, possibly "J. H. ..."]

Cher D 163

Cher D 163

Cherokee D-163.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Robert Brown, et al., as citizens by blood of the Cherokee Nation.

---: D E C I S I O N :---

The record in this case shows that on August 22, 1900, Robert Brown appeared before this Commission, at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his three minor children, Nellie (16 years old), Irene (14 years old) and Elmer Brown (12 years old), as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application, at Muskogee, Indian Territory, March 20, 1902.

Thereafter, on April 23, 1902, the Commission rendered its decision in the above entitled case granting the applications of the applicants herein, which decision, together with the record therein, was, on May 15, 1902, transmitted to the Department for its approval. On May 29, 1902, the Department, with its letter of that date, (I.T.D.3301-1902), without passing on the rights of any of the applicants herein, returned the record in said case in order that the Commission be given an opportunity to meet the objection of the Indian Office to its decision of April 23, 1902, relative to the enrollment of the minor applicants, and with the request that the Commission advise the Department fully as to the views of the matter. Further proceedings were had in the matter of said application, at Muskogee, Indian Territory, on June 19, 1902. On said date Robert Brown also made application for the enrollment of his minor child, Viola Brown, but, inasmuch as her application is differently classified, she is not included in this decision.

The evidence shows that Robert Brown, the father of the minor applicants herein, was born in the Cherokee Nation and that he moved out of said nation when a child and went to the State of Wisconsin, where he remained until about the year 1888. While living in said state he was married to one Maggie Farrety, a non-citizen white woman, and the minor applicants herein are the issue of that marriage. It further appears that he lived with his said wife for about five years following their marriage, when they were divorced. Shortly thereafter, the said Robert Brown returned to the Cherokee Nation, where, by an Act of the Cherokee National Council, of February 9, 1888, he and his said children, Nellie, Irene and Elmer Brown, were all admitted to citizenship in the Cherokee Nation.

The evidence further shows that the said Robert Brown has resided in the Cherokee Nation since the date of his admission to citizenship therein, and that his said children have continued to

reside in the State of Wisconsin since their birth, during which time Robert Brown has contributed to their support and education.

The record herein further shows that the Cherokee Nation, through its legal representatives, has protested the enrollment of the minor applicants herein, upon the ground that they have never been residents of the Cherokee Nation, and in support of said protest, cited a portion of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), which provides as follows:-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Although the minor applicants herein have not had an actual residence in the Cherokee Nation, their legal residence is taken to be that of their father who has resided continuously in the Cherokee Nation since his admission in 1888.

It is therefore the opinion of this Commission that its decision of April 23, 1902, wherein the application of Robert Brown, Willie Brown, Irene Brown and Elmer Brown, for enrollment as citizens by blood of the Cherokee Nation, were granted, should be affirmed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tamr Bixby.

Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

MAR 10 1905

(C O P Y)

Refer in reply
to the following:
Land
21278-1905

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 29, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 16, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Robert Brown for himself and his three minor children, Nellie, Irene and Elmer Brown.

March 16, 1905, the Commission decided favorably to all the applicants.

The record shows that the principal applicant was born in the Cherokee Nation; that he moved out of the Nation when a child and went to the State of Wisconsin where he remained until about the year 1868. While living in Wisconsin he was married to one Maggie Farrety, a non-citizen white woman, and the minor applicants are the issue of that marriage; that he lived with his said wife about five years when she obtained a divorce from him and he shortly thereafter returned to the Cherokee Nation, where,

by an act of the Cherokee National Council of February 9, 1888, he and his said children, Nellie, Irene and Elmer Brown were all admitted to citizenship in the Cherokee Nation.

It is further shown that Robert Brown has resided in the Cherokee Nation since the date of his admission and that the children have continued to reside in the state of Wisconsin.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.H. .

W.

(C O P Y)

D. C. 38727-1905
I.T.D. 3248-1905

Y.P.
JLB

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 9, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Robert Brown for the enrollment of himself and his three minor children, Nellie, Irene, and Elmer Brown, as citizens by blood of the Cherokee Nation, including its decision of the same date favorable to all the applicants.

Reporting March 21, 1905, the Indian Office recommended that the Commission's decision dated March 16, 1905, granting said application be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes favorable to all the applicants is hereby affirmed.

Your attention is called to the application for the enrollment of Viola Brown, which was not disposed of in your decision.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee-D-163.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, granting the application for the enrollment of Robert Brown et al., as citizens by blood of the Cherokee Nation, thereby affirming its decision dated April 23, 1902.

The decision, together with the record of proceedings had in this case have this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary of the Interior will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

ENC. E.J.B.-4

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-163.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

bag
Muskogee, Indian Territory, August 18, 1905. *JH*

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, granting the application for the enrollment of Robert Brown, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

W. C. Davis
Acting Commissioner.

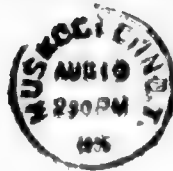
LS

Incl. 8-45

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



W. W. ...

..., Indian Territory.

IN THE MATTER OF

THE APPLICATION OF

Robert Brown & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 22, 1900

B. Mem^o of application - " 22, 1900

C. Original copy of act of admission

Notice of final consideration

E. Order closing testimony, Feb. 19, 1902

CHEROKEE.

L. 1.

Robert Brown. et al.

AUG 23 1865

Cher D 164

Cher D 164

A 164

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 4 1900

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF LANDS,
WASHINGTON, D. C., AUGUST 22nd, 1900.

That I, JAMES D. VAN ALSTY, of the Cherokee Nation, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Cherokee Nation, and being sworn by said assignor, J. R. Breckinridge, the testifier, as follows:

Q What is your name? A Mary J. Christy.
Q What is your age? A Twenty three.
Q What is your Postoffice? A Malvin.
Q What is your District? A Cheltenham.
Q Malvin, Indian Territory? A Yes sir.
Q For whom do you apply for enrollment; yourself? A Yes sir.
Q Who else? A That is all.
Q Just yourself? A Yes sir.
Q Do you apply for yourself as a citizen by blood? Or adoption?
A By adoption.
Q What was your name before it was a Christy? A Cobb.
Q What was your maiden name, was it? A Yes sir.
Q When were you married? A In 1893.
Q In your husband do d? A No sir; he is living.
Q Were you ever separated? A Yes sir; he went to the pen.
Q Did you? A Yes sir.
Q What is your husband's name? A Jackson Christy.
Q How old is he? A He is somewhere in the thirties I reckon; I do not know how old he is.
Q Is he on the roll of 1890? He is a Native Cherokee, is he?
A Yes sir.
Q Was he born in the Cherokee Nation? A Yes sir.
Q Did he live here all his life? A Yes sir.
Q You are on the roll of 1890, are you? A Yes sir.
Q Have you any certificate of your marriage? A Yes sir.
(Applicant presents a duly certified copy of her certificate of marriage, said copy being furnished by William Thompson, Clerk of Illinois District, Cherokee Nation, under date of October, 29th, 1893, under the seal of his office. Said copy gives the certificate of Samuel L. Rums, Minister of the Gospel, to the effect that on April 23rd, 1893, he united in marriage Mr. Jackson Christy and Miss Mary J. Cobb, both Cherokees by blood. This is filed with his application.)
Q What is the name of your father? A Daniel Cobb.
Q He was a white man, was he? A Yes sir.
Q Is he living or dead? A He is living.
Q What is the name of your mother? A Sarah Jane Cobb.
Q Is she a white woman? A Yes sir.
Q Is she living or dead? A She is living.
Q What is the name of your husband's father? Thompson Christy.
Q Is he a white man or Indian? A He is a Cherokee.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A About fifteen years I reckon.
Q What is the name of your husband's mother? A I do not know; I never heard her name.
Q You do not know whether she is living or dead, do you?
A No sir; I do not.
Q How long did you and your husband live together before you were separated? A One year.
Q Lived one year? A Yes sir; We have not been apart more than two months; he went off to the pen and stayed three years.
Q How long did you live together before anything happened in the way of his going off to the "pen", or breaking up, after your marriage? April 23rd, 1893? How long did you live together continuously? A We lived together six months I reckon.
Q Then what happened? A They carried him off to prison.
Q And he stayed his three years out? A In prison three years; yes sir.

- Q And you stayed in the Cherokee Nation the three years?
 A Yes sir.
 Q Have you lived in the Cherokee Nation ever since you were married in 1893? A Yes sir.
 Q Did you ever apply to the Dawes Commission for enrollment?
 A No sir; I never did.
 Q Did any one ever apply for you? A No sir.
 Q Are you sure that you did not apply to the Dawes Commission, as a citizen by blood? A No sir; I never did.
 Q How did they happen to put you down as a Cherokee by blood in your marriage certificate? A There was another man standing by when I got the license, and he told the clerk I was a Cherokee by blood.
 Q Just carelessly? A Yes sir; he done it through mistake.

By Mr. W. T. Hutchings, Cherokee Representative:

- Q Who are your Indian ancestors that you claim Indian blood through?
 A They claim my father had some Cherokee blood in him.
 Q Has he not been claiming rights in the Cherokee Nation?
 A No sir.
 Q Where does he live? A Above here.
 Q In the Nation? A Yes sir.
 Q What is his name? A Daniel Cobb.
 Q Has he never made any claim to the Cherokee Council, or any body? A No sir; not that I know of.

By the Commission:

- Q Your husband went to prison for three years; what then?
 A He got out, but he did not come back to me until this last year.
 Q He stayed off? A Yes sir.
 Q Did his term in prison expire? A Yes sir.
 Q He is living with you now? A No sir; he went off a month or two ago.
 Q You have no children? A No sir.
 (Applicant's husband identified on the roll of 1890, Page 320, #300, Jackson Christie, Illinois District).
 (1896 Roll, Page 1062, #399, Jackson Christie, Sequoyah District)
 (Applicant identified on the roll of 1896, Page 1112, #45, Mary J. Christie, Sequoyah District)

By Mr. W. T. Hutchings, Cherokee Representative:

- Q Your father owned some improvements in the Cherokee Nation before you were married to Christie, did he not? A No sir.
 Q Did he not have a place himself? A No sir.
 Q You have always lived at your father's house? A Yes sir/
 Q And Christie made a place away from your father's and wanted you to go and live with him, did he not? A No sir.
 Q Did he not leave your father's place because of your father's conduct towards him? A No sir; he never.
 Q Was he not sent to the penitentiary on a charge made by your father? A He was sent to the "pen", but he was sent for a crime.
 Q Your father reported him? A No sir, he never; another man reported him.
 Q It came through your father? A No sir; it was the other man that did the reporting.

By the Commission:

The applicant is identified on the roll of 1896, and she has produced a duly authenticated copy of her marriage certificate to her husband, Jackson Christie, in 1893, which is filed herewith. She states that there has never been any divorce between her and her husband; that he has spent a good part of the time in prison since they were married, but have lived together the greater part of the last year. He, for whom enrollment is not sought at this time, is

identified on the rolls of 1880 and 1896 as a Cherokee by blood, and is said to have lived in the Cherokee Nation all his life, except when in prison. The Cherokee representatives present desire to make some enquiries into the status of the applicant's family. Therefore, in order to give opportunity for further consideration, decision in this application will be suspended, and the applicant will be placed for the present on a doubtful card. The final decision, when reached by this Commission, will be made known to the applicant at her Post-office address, and it, and all the evidence in the case will be forwarded to the Secretary of the Interior for his approval, which approval, when rendered, will be final in the case.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Craven

Subscribed and sworn to before
me this 31st day of August, 1900.



COMMISSIONER.

JAN 10 1901

De retour de l'Intercom.

[illegible]

W. J. P. H., I. T., December 11, 1901.

By the action of the collection of Jesus and Christ's love...

Q. What is "The Great Jackson Thrust?"

1. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

THE UNIVERSITY OF CHICAGO PRESS

1. 1990年12月15日，在北京市召开的“中国环境与发展”会议上，江泽民总书记发表了重要讲话，指出：“中国的环境问题，已经到了非解决不可的时候了。我们决不能走一些发达国家走过的老路，决不能走先污染后治理的老路。我们必须在经济发展的同时，把环境保护放在突出的位置，实行可持续发展战略。”

Q. Now, did you know that the person who was arrested was a member of the Communist Party? A. Yes, sir.

[illegible]

THE 1915-16 REPORT OF A JURY.

Q Yes sir. Did you live in the Chicago Hotel? A Yes sir.

Q. What is the date of the report? A. Yes, Sir.

Yours truly,
A. Yess 312.

Q. Yes, I have lived? A. Yes, sir.

Q. Y. What is the name of the man? A. She came before you at Fort

...at 17 years of age, I was sent to the ... years.

...into town? A Yes sir.

What are they trying to get at? A No 311.

Q. Did you love her? A. You can, she was the cause of my going to the State Prison, so I have never loved with her again.

30 2nd St. S. Chattanooga, Tenn. A For assault.

Do you want to live with you and your mother? A No sir.

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040

Q. Did you ever try to live with her?

Don't want to live with her yourself. A No

There is no living it here anymore.

Q What's your wife's number A

1000 20-1: 1000 570, 1000, Jackson, Carl tie, Illinois, Detroit

Q. How many years in Detroit, Mich., in the penitentiary?

1900-1901, 1902-1903, 1904-1905, 1906-1907, 1908-1909, 1910-1911, 1912-1913, 1914-1915, 1916-1917, 1918-1919, 1920-1921, 1922-1923, 1924-1925, 1926-1927, 1928-1929, 1930-1931, 1932-1933, 1934-1935, 1936-1937, 1938-1939, 1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 26

10. You were the first to let women in April, 1895. A No. 10, in

Q Did you tell him to say 1893? A It was 1894; it wasn't 1893.

Q. Yes. Now where that certificate of marriage is? A. She's got it. I don't know where she put it.

Q Now how long did you live with her? A The best of my knowledge I don't think I lived with her four months.

Q Then you were sent to the pen, were you? A Yes sir, she was the owner of it.

Q Now you said: A Her and her father claimed that I tried to kill her. They were falsely against me to get me in trouble.

Q. You went to San Antonio three years -- when you got back did you live with her? A. I was there two years before I ever knew what she was at.

Q Have you ever traveled with her since you came back? A I started to travel with her a little while, about four weeks, and maybe a little longer, and I saw that I couldn't get along with her, and she told me to get up and go.

That was two years after you got out? A Yes sir.

How long did you live with her at that time? A About four months, a little over I guess.

Q You know where she is living now? A Right close to Melvin.

Is she married again? A No sir.

Q She's a white woman is she? A No sir.

Q She never had any Indian blood in her? A No sir.

2- J.O.

Commissioner Needles-

The name of Jackson Christie appears upon the authenticated roll of 1880 as well as the Census roll of 1886. He is duly identified, and makes satisfactory proof as to residence, consequently he will be duly listed for enrollment as a Cherokee citizen by blood.

E.G. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 10th day of January, 1901.



Commissioner.

01611

RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FEB 11 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 12, 1902.

In the matter of the application of Mary J. Christy for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that her case would be taken up for final consideration by the Commission on the 19th instant, and that she could on said day appear and introduce any additional testimony affecting her application. She has been called three times and fails to respond either in person or by attorney, and the case is closed.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Christy for enrollment as a Cherokee citizen.

On the 22nd day of August, 1900, Mary J. Christy appeared before the Commission to the Five Civilized Tribes and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence she was placed upon a "Doubtful" card because of the protest of the Cherokee Nation.

No further evidence has been submitted, and on the 19th day of February, 1902, the proofs were ordered closed.

The evidence in this case shows that Mary J. Christy was married on the 23rd day of April, 1893, to one Jackson Christy, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880. They lived together for about six months after their marriage when her husband was sentenced to the penitentiary for three years. At the expiration of his term it appears that he came back and lived with his wife a short time, but subsequently left her, and at the date of this application they were not living together. The separation does not seem to have been due to any fault on the part of the applicant.

She has resided in the Cherokee Nation since 1893 and she is identified on the Cherokee Census roll of 1896.

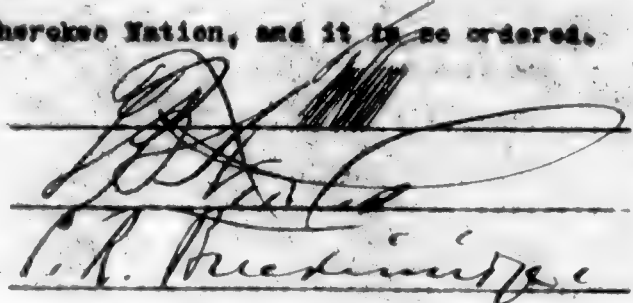
In making rolls of citizenship of the Cherokee Nation this Commission is directed by the Act of Congress approved June 28, 1898, (30 Stats., 495); to enroll, "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

It is the opinion of this Commission that under the facts and the law cited, Mary J. Christy is entitled to be enrolled as a citi-

-2-

men by intermarriage of the Cherokee Nation, and it is so ordered.

A large, stylized handwritten signature, likely of L. R. Brundidge, is written over two horizontal lines. The signature is cursive and somewhat illegible due to its style.

Commissioners.

Dated at Muskogee, Indian Territory,

APR 23 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. May 3rd 1902.

In the matter of the application of Mary J. Christy for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Number Cherokee D 164.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully requests that this case be forwarded to the Honorable Secretary of the Interior for review.

The testimony of Jackson Christy found in Regular Cherokee case Number 6924, which we ask to be made a part of the record in this case and considered herewith shows that soon after the marriage of himself and applicant that she conspired to secure his conviction for some kind of assault for which her husband was incarcerated in the penitentiary but that no divorce was granted either of them.

He also testifies that he has attempted to live with his wife since his return but that he found it impossible and under this statement of facts we feel that the case should be reviewed by the Secretary of the Interior.

Respectfully submitted,

J. C. S.

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRICKNIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING :

Cherokee D-164

ALLISON L. AYLESWORTH
SECRETARY

TO THE CHIEF OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Mary J. Christy, No. D-164, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Mary J. Christy as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,

Acting Chairman.

Encl. D-164.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-164.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 23, 1902, in the matter of the application of Mary J. Christy for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 9th day of June, 1902.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Mary J. Christy

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 22, 1900
- B. Mem^o of application. " 22, 1900
- C. Original copy of Marriage Certificate
Notice of Final Consideration
- D. Order closing testimony, Feb. 19, 1902

Aug. 25, 1902. Transferred
1

See Cherokee Jacket 1 - 2
11/11/02

Cher D 165

Cher D 165

2. 163

EXHIBIT 101

EXHIBIT 101

EXHIBIT 101

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT SIMON, I.T., AUGUST 22, 1900.

In the matter of the application of Eliza Ward for enrollment of herself and children as citizens of the Cherokee Nation, said Ward being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Eliza Ward.
Q Your age? A 51.
Q Your postoffice? A Caddo.
Q Choctaw Nation? A Yes.
Q Are you a recognized citizen of the Cherokee Nation? A I don't know how it is.
Q Have you ever applied to the Cherokee Nation for admission to citizenship? A Yes.
Q Did they admit you? A I understand they rejected me.
Q Did you apply to the Dawes Commission in '96 for ~~enrollment~~ citizenship? A No sir.
Q Does your name appear upon the authenticated roll of '80 of the Cherokee Nation? A I don't think that it did; I don't know much about it.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes.
Q Where were you born? A In the Cherokee Nation.
Q When? A '49.
Q Where have you been living since that? A I have been living in the Choctaw Nation ever since the last year of the war. Until I went I lived at Tahlequah.
Q What was your mother's name? A Martha Smith a full-blood Cherokee Indian.
Q What was your father's name? A Mack Beck, a white man.
Q Is your mother living? A No sir.
Q When did she die? A About 8 years ago.
Q Was she a recognized citizen of the Cherokee Nation? A Yes.
Q On the authenticated roll of '80? A I don't know.
Q What is your present name? A Eliza Ward.
Q What was your name in '80? A N Eliza Ward.

By Mr. W. W. Hastings, Cherokee Attorney:

- Q You applied for readmission about 10 or 11 years ago? A Yes sir.
Q You were then readmitted to citizenship? A Yes.
Q But never removed to the Cherokee Nation? A Yes, I lived in Tahlequah 15 months.
Q And you left and since that time you have resided in the Choctaw Nation? A Yes, I lived in the Choctaw Nation ever since. I lived in Tahlequah, in town, after the payment-- June, '94.
Q When did you go up there? A '92 or '93.
Q Are you part Choctaw? A No sir, I am half-breed Cherokee.
Q How about your husband? A He is a Choctaw. He registered in the Choctaw Nation, but those people rejected me.
Q Are you on the doubtful list there? A Yes.
Q You offered to enroll in the Choctaw Nation? A Yes. They rejected me because I was a Cherokee-- said my children had to go with me.

By the Commission:

- Q What are the names of your children? A Daisy, 17 years old.
On '94 roll, page 1183, number 3806.
Q Next? A Cora, 15 years old.
On '94 roll, page 1186, number 3807, as Cora C.
Q Next one? A Henry, 2 years old.
On '94 roll, page 1188, number 3808, as Henry W.
Q Are these children alive and living with you? A Yes.

Q Where do they live? A In the Choctaw Nation.

Q Always have lived there? A Yes, only what time they were in this Nation-- about 15 months.

Q Born in the Choctaw Nation? A Yes.

Q What year was that? A '94.

Applicant on '94 roll, page 1188, number 3801.

Q You say that you were readmitted in what year? A I cannot remember the year.

Q Have you got certificate of readmission? A Yes, but it is at Tahlequah.

The name of Eliza Ward appears upon the pay-roll of '94. The names of her children, Daisy, Cora, and Henry W., also appear upon the pay-rolls of '94. They are fully identified according to page and number of said rolls as indicated in the testimony. Said Eliza Ward applies for enrollment for herself and three children, and avers that she was readmitted in the year '98, but presents no certificate of readmission. She also states in her testimony that she is a resident of the Choctaw Nation and has been since she was readmitted with the exception of a month or two which she resided in Tahlequah previous to the payment of '94. The final judgment as to her application for enrollment of herself and three children is suspended awaiting evidence as to her readmission, and satisfactory evidence not being given as to her residence is another reason why said judgment is suspended, consequently herself and names of her three children will be placed upon the doubtful list and doubtful card.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Brown McDonald

Subscribed and sworn to before me this 11th day of September, 1900, at Pryor Creek, I.T.

C. A. Harrison

Commissioner.

28 165

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLAHASSEE, FLA., DECEMBER 10th, 1900.

SUPPLEMENTAL TESTIMONY.

D 165.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of ELIZA WARD et al for enrollment as Cherokee citizens:

Said Eliza Ward being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Eliza Ward.
Q How old are you? A 52.
Q What is your post office? A Gaddo.
Q In what district do you live? A Blue County.
Q Chootaw Nation? A Yes, sir.
Q For whom do you apply for enrollment? A Just myself.
Q Do you claim to be a Cherokee by blood? A Yes, sir.
Q Where have you made your home? A I went to the Chootaw Nation in last year.
Q How long have you been living in the Cherokee Nation? A I live down there now.
Q When did you go back there? A I went back there the year after the payment.
Q In 1895? A Yes, sir.
Q How long had you been here when you went back that time? A About a year, not quite two years.
Q When you came here before the payment were you readmitted by the Cherokee Commission or Council? A Yes.
Q Have you your certificate? A I have one.
Q Give me the name of your father, please? A Mack Peck.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee by blood? A No, sir, he was a white man.
Q Give me the name of your mother? A Martha Peck.
Q Was she a Cherokee? Yes, sir.
Q Is your mother dead? A Yes, sir.
Q How often have you been married? A Just once.
Q When were you married? A I was married in '68.
Q To whom were you married? A William G. Ward, a Chootaw.
Q Is he dead? A No, sir.
Q He is living with you in the Chootaw Nation? A Yes, sir.
Q He is a Chootaw citizen is he? A Yes, sir, I am living with him.
Q He does not claim Cherokee citizenship? A No, sir.

Com'r:--The applicant presents an official copy of an Act approved December 2, 1899, showing that on that day certain persons were readmitted to citizenship by the Cherokee Council, on condition that the benefits of the Act shall not accrue to them until they remove to and permanently locate within the limits of the Cherokee Nation; among the persons enumerated in that act, appears the name of Eliza Ward.

- Q Is that your name at that time? A Yes, sir.
Q That is intended for you? A Yes, sir.

This is filed herewith.

- Q Now, you came here prior to 1894 under that, and in 1895 you left? Yes, sir.
Q And have lived in the Chootaw Nation ever since? A Yes, sir, I have been backward and forward.
Q Where have you been making your home? A In the Chootaw Nation.

Eliza Ward--C.

Q You have never permanently located within the limits of the Cherokee Nation? A I lived out here on my mother's place after her death.

Q When did your mother die, how long since? A I do not remember what year she died.

Q About how long since? A About eight years.

Q Have you had an interest in that place ever since her death?

A Yes, sir.

Q Have you collected rents from it? A Up until about two years ago my nephew has charge of it and has not come up with the rents...

Q You have a right in the place have you? A Yes, sir, I have been getting rent from it all along; I lived in it a while and I rented it out and got rent from it.

Q You draw strip money did you? A Yes, sir.

Q Were you on the regular pay roll? A Yes, sir, I was living right here in town when they paid it out.

Q Did not you apply for enrollment at Fort Gibson? A Yes, sir.

Com'r Breckinridge:--It is found that the applicant applied for enrollment on August 22 of the present year, at Fort Gibson, as shown in case B 165, entitled Eliza Ward et al. This testimony will now be filed as supplementary testimony in the former application, along with the copy of the Act of the Council presented at this time.

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J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony of the above named witness in full, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Subscribed and sworn to before me this 27th day of December, 1900.

Commissioner

Commissioner.

04 75

COMMALSSB 1902


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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Elisa Ward for the enrollment of her-self and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that her case would be taken up by the Commission for final consideration on the 19th instant, and that she could on said date appear and introduce any additional testimony affecting her case. Receipt has been acknowledged of the Commission's letter. Applicant has been called three times and fails to respond either in person or by attorney, and the case is closed.

 Commissioner.
By W. V. Hastings, Cherokee Representative: The Cherokee Nation desires to call attention to the act of December 5, 1888, as to the conditions of the readmission of applicants.

b6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Ward for the enrollment of herself and her three children, Daisy, Cora C. and Henry W. Ward as citizens by blood of the Cherokee Nation.

DECISION.

--ooo--

The record in this case shows that on August 22, 1900, Eliza Ward appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her three minor children, Daisy, Cora C. and Henry W. Ward as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory on December 13, 1900.

The evidence shows that Eliza Ward was born in the Cherokee Nation and resided therein until 1868. At that time she removed to the Choctaw Nation, and in 1868 she was married to one W. C. Ward, a Choctaw Indian, and her three children are the issue of that marriage.

It further appears from the evidence that on December 2, 1880, the said Eliza Ward was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council which provided that the benefits of the Act should not accrue to the applicant until she should remove and permanently locate within the limits of the Cherokee Nation. The evidence further shows that the said Eliza Ward lived in the Cherokee Nation for about fifteen months after the death of her mother in 1892, and that she then returned to the Choctaw Nation where she has since resided with her said husband. The said Eliza Ward and her children are identified on the Strip payment roll of 1894.

It is, therefore, the opinion of this Commission that Eliza Ward, Daisy Ward, Cora C. Ward, and Henry W. Ward should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

John B. Gibson
Acting Chairman.

J. D. Gibson
Commissioner.

R. L. Gibson
Commissioner.

Dated at Muskogee, Indian Territory,

this 11th day of November, 1900.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 165.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

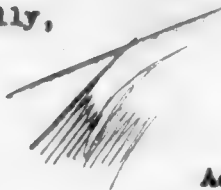
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Eliza Ward for the enrollment of herself and her three minor children, Daisy, Cera C. and Henry W. Ward, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 23.

IN THE MATTER OF THE APPLICATION OF

China Ward et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

- A. Original testimony August 22, 1900
 - B. Mem^o of application " 22, 1900
 - C. Supplemental testimony - 13 1900
 - D. Certified copy of Act of re-admission
- Notice of final determination
Order closing testimony, Feb. 19, 1902

China Ward
et al
vs
et al

Cher D 166

Cher D 166

2166

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE LUTHERAN CHURCH

FILED

SEP 4 1900

[Handwritten signature]

A In 1890, I reckon.

Q What is his full name? A Harry Watts. It was 1890.

Q Was Harry Watts a Cherokee by blood? A Yes sir.

Q When was she married to Watts? A I can not tell you.

Q Do you think she was on the roll of 1890, as a Watts?

A No sir; I think she was as there as a Godun.

Q Have you ever seen her since you knew your wife in her childhood?

A I think Judge Sanders knew her.

(Applicant's wife identified on the roll of 1890, as Sally Godun, Page 746, 1893, Tallapoosa District) (Name obscured)

(1890 Roll, Page 277, 1893, Sally Watts, Muscogee District)

(1890 Roll, Page 277, 1893, Mary Watts, (Name obscured) District)

(1890 Roll, Page 104, 1893, Sadline Bird, (Name obscured) District)

(1890 Roll, Page 104, 1893, Idalia Bird, (Name obscured) District)

(1890 Roll, Page 104, 1893, William Bird (Applicant) (Name obscured))

Q How have you known about your wife's marriage to her first husband, Watts? A I do not know.

Q Have you any neighbor that knew them? A Yes, I do, but she is not here.

Applicant's wife, called out again, testified as follows:

Q About the good Mrs. Bird, your marriage to the applicant here is your second marriage, is it? A Yes sir.

Q Who was your first husband? A Harry Watts.

Q When were you and he married? A In 1890, I believe; I will be I reckon.

Q You think about 1890? A Yes sir.

Q When did he die? A He died in - I could tell you if I had my little here.

Q Tell me a word, you can recollect; when did you marry Mr. Bird? A About eight years ago last February.

Q How long has he been dead? A He has been dead ten years I reckon.

Q How long or such a matter before you married your present husband? A Yes sir.

Q Did you and your husband, Mr. Watts, live together as husband and wife from the time you were married until his death?

A Yes sir.

Q And you and your husband (present husband) have lived together ever since your marriage? A Yes sir.

Q Who married you to your present husband? A Mr. Thornton.

Q Clerk of Illinois District? A Yes sir.

Q Did he issue a license to your husband? A Yes sir.

Q Did you see the license? A Yes sir.

Q Then he married you, after the license was issued, did he?

A Yes sir.

Q How did it happen to be lost? A I do not know. My husband went to him several times to get it, but finally, he just gave him that.

Q You have two children by your first husband? A Yes sir.

Q And two now living, by your second husband? A Yes sir.

Applicant recalled:

The applicant is identified on the roll of 1890 as an intermarried Cherokee. He presents a sworn statement of the former Clerk of Illinois District, which is filed herewith, to the effect that the clerk performed the marriage ceremony between the applicant and his present wife, on February 8th, 1891; that he made out a marriage license for them, under Cherokee law, and copy of the license, to be recorded, but that he failed to record it, and lost it. It is shown that the applicant and his wife have lived together ever since their marriage, and that they have lived continuously in the Cherokee Nation. As in this form of proof of marriage, taken in connection with the personal testimony of the applicant and his present wife, as set forth in the testimony, is some what obscure, his application will be placed upon a "Doubtful Card" for further consideration by the Commission. As regards the application of his wife, Sadline Bird; she is duly identified on the rolls of 1890, and 1896, as a

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Charles by blood, her descent of so near through her first and second marriages are accounted for in a satisfactory manner by personal testimony, and she will now be listed for enrollment as a Cherokee by blood.

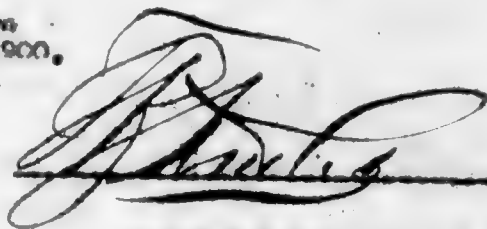
Her children, Willie and Lucy, by her first husband, and her three children, named Bird, by her present husband, are all identified on the roll of 1886, and they will be listed now for enrollment as Cherokees by blood. The youngest child, Thomas, is too young to be on any of the rolls of the Cherokee Nation. When the Commission is furnished supplied with a duly authenticated certificate of this child's birth, then it also will be listed for enrollment as a Cherokee by blood.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes in this case.

R. B. Cruikshank

Subscribed and sworn to before
me this 11th day of August, 1900.



COMMISSIONER.

POOR ORIGINAL -
BEST AVAILABLE COPY

1. The first part of the document is a list of names and addresses, which are arranged in a columnar format. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list includes names such as "John Smith", "Mary Jones", and "Robert Brown", along with their respective addresses in various cities and states.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of William Bird for the
enrollment of himself as a citizen of the Cherokee Nation, D-166.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The said William Bird, being first duly sworn, testified before
the Commission as follows:

- Q What is your name? A William Bird.
Q How old are you? A I am 39 years old.
Q Where do you live? A Three miles from Fort Gibson.
Q Fort Gibson your postoffice? A Yes, sir.
Q Is there any statement you desire to make relative to your appli-
cation before this Commission to be enrolled as a citizen of the
Cherokee Nation? A No, sir.
Q Do you submit this case to the Commission for final consideration?
A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he reported in
full the foregoing proceedings, and that the above is a true and
complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Bird for enrollment as a Cherokee citizen.

On the 22nd day of August, 1900 William Bird appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife and children as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence his wife and children were listed for enrollment on a regular card and the name of this applicant was placed upon a "Doubtful" card.

Further proceedings in the matter have been had and the case submitted by agreement for final consideration.

It appears from the evidence that the applicant bases his right to enrollment upon intermarriage with one Emily Watts, a citizen by blood of the Cherokee Nation on the 8th day of February, 1891. In support of his application he presented the sworn statement of T. J. Thornton to the effect that while the said Thornton was clerk of Illinois District, Cherokee Nation he issued a regularly executed marriage license to the applicant and that he had married said applicant and Emily Watts on the 8th day of February, 1891, but had neglected to record the license and marriage certificate as required by law, and that such license was lost.

Emily Bird also appeared and testified that she and her husband were married on the above day by the said T. J. Thornton under a Cherokee marriage license. These facts, together with the further fact that the applicant, William Bird, is identified on the Cherokee Census roll of 1896 are sufficient to establish the marriage of the applicant to his wife Emily in accordance with the provisions of the Cherokee laws.

-2-

Emily Bird is identified on the 1880 roll as Emily Watts. The applicant and his said wife have been living together in the Cherokee Nation since the date of their marriage. As above stated he is identified on the Cherokee Census roll of 1896.

This Commission is directed by the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enroll; "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

It is the opinion of this Commission that under the facts in this case and the law cited, William Bird is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is therefore so ordered.

A handwritten signature, likely of L. R. McQuinn, is written over two horizontal lines. The signature is in cursive and appears to be "L. R. McQuinn".

Commissioners.

Dated at Muskogee, Indian Territory,

JUL 11 1902

204

COMMISSIONER
HENRY I. DAVIS
TAMU TEXAS
TULSA, OKLA.
CHEROKEE NATION

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-166.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

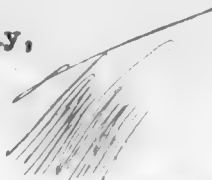
W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of William Bird for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-6.

CHEROKEE

Q 166

Wine and Bird.

Transferred to Cherokee 1173.

Cher D 167

Cancelled March 12, 1901 and
transferred to D 964

Cher D 167

0167

STATEMENT OF THE AMERICAN
MISSION TO THE CAVE OF VERMONT, N.Y.

FILED

SEP 1 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I. T., AUGUST 22, 1900.

In the latter of the application of May Cannon for enrollment as a citizen of the Cherokee Nation, said Cannon being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A May Cannon.
Q Your age? A 18.
Q Your postoffice? A Caddo.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood or intermarriage? A By Blood.
Q What degree of blood do you claim? A One-quarter.
Q What district do you live in? A Blue county, Choctaw Nation.
Q Born there? A Yes.
Q Have you lived there ever since? A No sir, lived here in the Cherokee Nation.
Q When? A I lived here about three years.
Q Don't live here now? A No sir.
Q What year was it you lived here? A I can not remember what year I lived here with my grand-mother.
Q What was your grand-mother's name? A Martha Beck.
Q How old were you when you lived here? A About 5 or 6 years old.
Q Are you married? A Yes.
Q What is your husband's name? A William Cannon.
Q Citizen or non-citizen? A Non-citizen.
Q Where does he live? A Blue county, Choctaw Nation.
Q What is your mother's name? A Nancy Hampton.
Q Is she a citizen? A Yes.
Q Is she living? A No sir.
Q What was her name when she died? A Hampton.
Q Where did she live when she died? A Choctaw Nation.
Q Was her name upon the rolls of the Cherokee Nation? A Not that I know of.
Q Have you any children? A No sir.

By Mr. Hastings, Cherokee Attorney:

- Q Is your father part Choctaw? A No sir, white man.
Q Whom have you been living with in the Choctaw Nation? A My aunt raised me— Critendon.
Q Your age? A 18.
Q Married in the Choctaw Nation? A Yes.
Q Husband lives there? A Yes.
Q You have not been living in the Cherokee Nation since you were five years old? A Yes, I went to the Orphan Home 2 or 3 years— came home in '89.

By the Commission:

- Q Did your mother live and die in the Choctaw Nation? A Yes.
Applicant on '94 roll, page 1085, number 1625, as Zoe May Hampton.

The name of Mary Cannon appears upon the census roll of '94. She avers that her maiden name was Mary Hampton. The name of her mother is not found upon any of the rolls of the Cherokee Nation, but the applicant's name is found upon the pay-roll of '94. Testimony shows that she is a citizen of the Choctaw Nation and married there. Final judgment as to her enrollment will be suspended and she will be placed upon a doubtful or white card.

The undersigned, being first duly sworn, states that as
Stenographer to the Commission to the Five Civilized Tribes, he cor-
rectly recorded the testimony and proceedings in this case, and
that the foregoing is a true and complete transcript of his stenographic
notes the recd.

Brown McDonald

Subscribed and sworn to before me this 11th day of September,
1900.

C. H. Russell

Commissioner.

D167
D300

In the matter of the application
for the enrollment of Joe N.
Cannon ~~and~~ Family ~~Washington~~. ~~YBYX~~

----- : -----

trial and judgment.

----- : -----

N. J. Smith.

Assembly for applicants

Before the Commission to the Five
Civilized Tribes, Muskogee, Indian Territory.

In the matter of the Application
of Zoe L. Cannon and Fannie Hampton
for the enrollment of themselves.

Statement of Facts.

The testimony in this case shows that the applicant, Zoe L. Cannon, whose maiden name was Hampton, was admitted to citizenship in the Cherokee Nation, together with her sister Fannie Hampton, in February 1886, by the National Council of the Cherokee Nation; that the time of the admission of these parties to citizenship, they were residing in the Cherokee Nation, with their grandmother, Mrs. Beck; that thereafter their grandmother, Mrs. Beck died in the Cherokee Nation leaving these girls with their Aunt Mrs. Ward, at Tahlequah, Cherokee Nation; that thereafter Mrs. Ward took out letters of guardianship for the applicant, Zoe L. Cannon and her sister, Fannie Hampton in the Cherokee Court in Tahlequah district under the district judge of Tahlequah district; that thereafter the applicant and her sister were placed in the Cherokee Orphan Asylum where they remained some time; that the guardian of the applicant moved back to the Choctaw Nation and that applicants have made that their headquarters when not in school; that before the applicant, Zoe L. Cannon reached her majority she married and returned to the Cherokee Nation, her home.

Verdict.

The conclusion of the applicants is that they are Cherokees, have heretofore been admitted as such and have been placed upon all of the rolls since their admission as Cherokees by blood and as such Cherokee citizens, are entitled to enrollment.

The guardian, no matter where, she would have carried the applicants after their admission to citizenship and cur-

ing their territory, could not change the residence or domicile of the applicants.

Van Meter vs. Henry, 39 American Notes Reports, Page 196. "Domicile- An entire change of res. own volition, change res domicile."

Senate Bill 334, passed by the National Council of the Cherokee Nation, November 28th. 1894.

requiring

"All Act persons readmitted to citizenship in the Cherokee Nation, to locate within six months.

Be It enacted by the National Council that all persons who have been or may be hereafter readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate in the limits of the Cherokee Nation within six months from the passage of this act or from the date of readmission or no rights whatever shall accrue to such persons by reason of such re-admission, provided that nothing in this Act shall bar minors and orphans."

Under this Act of the National Council and as a sound principle of law, these parties could do nothing prejudicial to their rights as Cherokee citizens. They could do no act that would forfeit their rights until they reached their majority, neither of whom, as yet, has done this.

The applicant, Zoe M. Cannon, together with her sister, Fannie Hampton, after her marriage and before she reached her majority, returned to the Cherokee Nation where she now resides. All of the belongings these applicants ever possessed, which was an undivided interest in a farm or improvement upon the Public Domain of the Cherokee Nation, is in the Cherokee Nation.

Respectfully Submitted.

S. J. Paritz

Attorney for Applicants.

Canceled

\$167

IN THE MATTER OF THE APPLICATION OF

May Cannon

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 22, 1900

B. Memo of application.

22 1900

[Signature]

Cher D 168

Cher D 168

STANDARD INDUSTRIAL FILLS

611.110

SEP 4 1960

Handwritten signature

Department of the Interior,
Bureau of Land Management,
Washington, D.C., August 1, 1904.

Dear Sir:
I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

Very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

I am, Sir, very respectfully,
Yours very truly,
S. H. Hildreth,
Acting Commissioner.

[illegible]

On 10th Oct 1944 - 3.

The following is a list of the names of the persons who were in the room on 10th Oct 1944. The names are given in the order in which they were seen.

1. Mr. J. H. Smith
2. Mr. J. H. Smith
3. Mr. J. H. Smith

4. Mr. J. H. Smith
5. Mr. J. H. Smith
6. Mr. J. H. Smith

7. Mr. J. H. Smith
8. Mr. J. H. Smith
9. Mr. J. H. Smith

10. Mr. J. H. Smith
11. Mr. J. H. Smith
12. Mr. J. H. Smith

13. Mr. J. H. Smith
14. Mr. J. H. Smith
15. Mr. J. H. Smith

16. Mr. J. H. Smith
17. Mr. J. H. Smith
18. Mr. J. H. Smith

19. Mr. J. H. Smith
20. Mr. J. H. Smith
21. Mr. J. H. Smith

22. Mr. J. H. Smith
23. Mr. J. H. Smith
24. Mr. J. H. Smith

25. Mr. J. H. Smith
26. Mr. J. H. Smith
27. Mr. J. H. Smith

28. Mr. J. H. Smith
29. Mr. J. H. Smith
30. Mr. J. H. Smith

Dr. J. H. Thompson, M.D.,

2.

1895. 90 1000

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE FOLLOWING IDENTIFICATION:

... will be
... Stand-
... for

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18

Alfred Jones, 1890.

1900.

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116
COMMISSIONER

FEB 27 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Charles W. Crittenden for the enrollment of himself, wife and children as citizens of the Cherokee Nation, D-168.

Applicant present in person.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: There is offered in evidence a marriage certificate showing that Charles Crittenden and Maggie E. Mull were united in matrimony on the 30th day of October, 1886, by Albert Carney, County Judge of Tobacco County (Choctaw Nation).

The said Charles W. Crittenden, being first duly sworn, testified before the Commission as follows:


- Q What is your name? A Charles Wesley Crittenden.
Q How old are you? A I am forty years old the 26th of last December.
Q What is your postoffice address? A Checotah, Indian Territory, Creek Nation.
Q Are you living in the Creek Nation? A No, sir.
Q What district in the Cherokee Nation do you live in? A Live in Canadian.
Q You have heretofore made application to this Commission for enrollment of yourself and children as citizens of the Cherokee Nation?
A Yes, sir.
Q What is the name of your wife? A Margaret.
Q When were you married to her? A I was married to her in 1886.
Q Were you ever married before you married her? A No, sir.
Q What was her name at that time? A Her name was Mull.
Q Was she ever married before she married you? A Yes, sir.
Q What was the name of her first husband? A Mull.
Q What is your wife's maiden name? A Roark.
Q Was her husband, Mull, living when she married you? A No, sir, dead.
Q Was he a Cherokee or a white man? A White man.
Q Have you and your wife lived together continuously since your marriage? A Yes, sir.
Q Are you living together at this time? A Yes, sir.

COMMISSION: There was received and filed by the Commission on the 18th day of February, 1902, a certified copy of a certificate issued by the Cherokee Commission on Citizenship showing that the applicant, Charles Crittenden, was admitted to citizenship in the Cherokee Nation on the 25th day of September, 1880, by the said Commission, of which Roach Young was President, William Harnage, G. W. Mayes, Assistant Commissioners, and J. E. Hayes, Clerk.
Q You submit this case now to the Commission for final consideration? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles W. Crittenden, et.al. for enrollment as Cherokee citizens.

On the 22nd day of August, 1900, Charles W. Crittenden appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his four minor children, Katie A., James, Mary J., and Leroy as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Margaret as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence the names of all the parties in this application were placed upon a "Doubtful" card.

On the 19th day of February, 1902, Charles W. Crittenden appeared before the Commission in response to notice. Further evidence was introduced at that time and the case, by agreement, was submitted for final consideration.

The evidence in this case shows that Charles W. Crittenden is a Cherokee Indian by blood, and that he was admitted to citizenship in the Cherokee Nation by a decree of the Cherokee Commission on Citizenship on the 25th day of September, 1880. He has resided in the Cherokee Nation since the date of his admission, excepting a period of three years in which he lived in the Choctaw Nation. He is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896.

His wife Margaret is a white woman and was married to him on the 30th day of October, 1886. She was previously married but her first husband was dead at the date of her marriage to the principal applicant. She has lived continuously with her husband since the date of their marriage, and she is on the Cherokee Census roll of 1896.

Their three oldest children Katie A., James and Mary J. are identified on the Cherokee Census roll of 1896. Their child, Leroy,

-2-

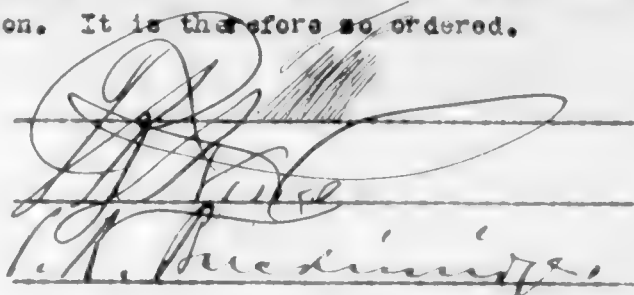
is too young to be upon any roll, but he was born on the 26th day of December, 1896, and was living at the time of this application as appears from a birth affidavit on file with this Commission.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 496);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

It is the opinion of this Commission that under the facts in this case and the law cited Charles W. Crittenden and his four minor children Katie A., James, Mary J. and Loney are entitled to be enrolled as citizens by blood of the Cherokee Nation, and that his wife Margaret Crittenden is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation. It is therefore so ordered.

A large, stylized handwritten signature, likely of the Commissioner, is written over a horizontal line. Below the signature, the name "C. H. McDaniel" is printed in a cursive font.

Commissioners.

Dated at Muskogee, Indian Territory,

APR 23 1902

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEDDES
C. R. BRICKNIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-168

ALLISON J. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Charles W. Crittenden et al, No. D-168, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Charles W. Crittenden et al, as citizens of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicants will be regularly listed for enrollment by this Commission.

Yours truly,

Acting Chairman.

Encl. D-168.

IN THE MATTER OF THE APPLICATION OF

Charles W. Brinkenden & Co

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A-Original testimony - August 22, 1900

B-Memo of application - August 22, 1900

C-Birth affidavit - Leroy Brinkenden

D-~~Birth affidavit - Leroy Brinkenden~~

Notice of final consideration

~~Marriage certificate~~

~~Supplemental testimony and order
closing testimony - August 19, 02~~

~~August 19, 02~~

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 4 1900

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 22, 1900.

In the matter of the application of Bird Doublehead for the enrollment of himself and children as Cherokees by blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Brockenridge, he testified as follows:

- Q What is your full name? A Bird Doublehead.
Q How old are you? A About 48 or 50 as near as I can guess at it.
Q What is your post office? A Checotah.
Q What is your district? A Canadian.
Q For whom do you apply for a rollment, yourself? A Yes, sir and two children and wife.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q Do you apply for your wife as a Cherokee by blood? A No, sir, she is an adopted citizen.
Q Who is a white woman? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A Full blood.
Q How long have you lived in the Cherokee Nation? A You might say I have lived here all my life.
Q How long have you lived in Canadian district? A Well, there was two years I was out of Canadian district, I have been there ever since.
Q How long since that two years? A I came back here in 1875.
Q You have been in Canadian district ever since? A Yes, sir.
Q Are you on the roll of 1880? A I think I am.
Q Were you readmitted to citizenship along in 1875? A Yes, sir.
Q You have lived in the Cherokee Nation ever since 1875? A Yes, sir.
Q What is the name of your father? A Bird Doublehead.
Q Was he a Cherokee or a white man? A He was a Cherokee.
Q Is he dead or alive? A He is dead.
Q How long since he died? A He has been dead before I was born, so they tell me, the people that raised me.
Q What is the name of your mother? A Well, sir, I never learned what my mother's name was.
Q Now give me the name of your wife, please? A Maggie Paul was her maiden name.
Q How old is she? A I believe she will be 31 years old the 2nd of this next January.
Q When did you marry her? A In 1881.
Q Have you a certificate of marriage? A No, sir, I have no certificate.
Q You and she lived together ever since she was married? A Yes, sir.
Q Lived all the time in the Cherokee Nation? A Yes, sir.
Q What is the name of her father? A Henry Paul.
Q He was a white man, was he? A Yes, sir.
Q Is he dead? A Yes, sir.
Q What is the name of her mother? A Lettie Paul.
Q She a white woman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Give me the name of your children? A Filey Elizabeth, 8 years old.
Q What is the next one? A Glennie Tennessee, she will be 4 years old the 18th of this next November.
Q She is too young to be on the roll of 1886? A I don't know whether or not she is, I wrote to the Chief to have her name put on it.

(On 1884 roll, page 23, No. 500, Bird Doublehead, Canadian district; on 1886 roll, page 19, No. 524, Bird Doublehead, Canadian district. Mary Doublehead on 1886 roll, page 86, No. 67, Margaret Doublehead, Canadian district. Filey Elizabeth Doublehead on 1886 roll, page 19, No. 525, Finney Doublehead, Canadian district. Glennie Tennessee Doublehead on 1886 roll, page 19, No. 526, Glennie Doublehead)

Clementine Doublehead, Canadian district.)

Q When was that? A I believe that was in 1878 or 1879.

Q Then did you go back to the Choctaw Nation again? A Well, I

Q You think you must have been in the Choctaw Nation when that

Q You say you were readmitted in 1875? A I told Ab Solomon I

Q Did you ever get any certificate of registration? A No, sir.

Q Did you tell him to apply to the Chicago Commission to have

Q Now when you went out of the Cherokee Nation along about 188

Q Did you leave anything behind you? A Yes, sir. I left some

Q Did you have more land? A No more than I have now.

variation.

UNCLASSIFIED

2. Did you leave any of your clothing, bags, shoes, A 100,822,
or look what I wore out.

C You didn't go to play long? A No, sir.

This applicant is identified on the rolls of 1894 and 1896, he claims to be a full blood Cherokee; he is not identified on the roll of 1880, and claims that he was readmitted to citizenship in 1875, but does not present any certificate of readmission. Attention is called to what he described in the testimony to be the temporary character of his absence. His wife is identified on the roll of 1896 and his two children are both identified on that roll. As the wife and child claim through the applicant, and as his case possesses some element of doubt, all of them will at present be placed upon a doubtful card for future consideration. The decision of the Commission will be communicated to him at his present post office, and that decision, and all the testimony, will be forwarded to the Secretary of the Interior for his approval, and whether it is favorable or unfavorable, when passed upon by the Secretary of the Interior the decision will be final.

xxxxxxxxxxxx, being x fully xxxxxx, say x that x x alone x to
x the x x to the x river x the x has reported the xxxxxx
August 28, 1900.

George Wesley Grittenden, being sworn and examined by Commissioner Brockbridge, testified as follows:

Q What is your age? A 39.

Q Do you know this applicant here, Earl Doublehead? A Yes, sir.

Q Who was his wife before she married him? A She was Maggie Paul.

Bird Doublehead - 3.

- Q She is a white woman I believe? A Yes, sir.
Q About when were they married? A 1894.
Q Did you know of the marriage at the time? A I was living in the neighborhood, but I didn't see them married.
Q Did you know of their being married? A Yes, sir.
Q She still living? A Yes, sir.
Q Have they lived together as husband and wife ever since they were married in 1894? A Yes, sir.

—o—

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this the 31st day of August, 1900.

W. H. ...
Commissioner.

Q 169

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 25 1900

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;
FORT GIBSON, I. T., AUGUST 24, 1900.

D--169.

Supplemental testimony in the matter of the application of Bird Doublehead for enrollment of himself, his wife and children as citizens of the Cherokee Nation.

RODIA A. REECE, being sworn by Commissioner C. R. Brackinridge, testified as follows:

Q Give your full name? A Rodia A. Reece.
Q What is your post office? A Manard.
Q What is your age? A 58.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Do you know this man Bird Doublehead? A Yes, sir.
Q How long have you known him? A Ever since I was about 8 years old.
Q From the time you first got acquainted with him, how long did he live in the Cherokee Nation? A He lived here from about 1858 up to 1867.
Q Then what became of him? A He left here.
Q When when did you next know him? A At the time of the old settler payment.
Q Then you never knew anything of him from 1867 to 1893? A No, sir.
Q Have you known of him living in the Cherokee Nation since 1894?
A I do not know.

FRANK KERR, being sworn by Commissioner C. R. Brackinridge, testified as follows:

Q Give your full name please? A Frank Kerr.
Q Mr. Kerr, give your post office, please? A Manard.
Q How long have you lived in the Cherokee Nation? A 60 years.
Q How old are you? A 60 years old.
Q Do you know this man here, Bird Doublehead? A Yes, sir.
Q When did you first know him? A When he was a boy, before the war.
Q How long did he continue to stay in the Cherokee Nation? A I think his folks took him south and I never saw him until he came back. That was in 1860.
Q Soon after the war? A Yes, sir.
Q He lived over in Canadian district? A I do not know anything about where he was when the 1860 enrollment was taken.
Q Have you known him off and on from the close of the war until 1894? A Yes, sir, I have seen and heard of him.
Q Do you know anything about his going down into the Choctaw country? A No, sir, I never knew that he was down in there.
Q Do you consider him a full blood Cherokee? A I do not know. I could not say about his being a full blood.
Q Do you know his mother? A No, sir.
Q Has he always been looked as a Cherokee by blood? A Yes, sir.

Supl.--Bird Doublehead---2.

JOHN ALEXANDER SHUFMAN, being sworn by Commissioner Breckinridge, testified as follows:

Q Give your full name? A John Alexander Shufman.
Q What is your age? A 57.
Q What is your post office? Bonnet.
Q How long have you lived in the Cherokee Nation? A Something over 30 years.
Q Do you know this man here, Bird Doublehead? A Yes, sir.
Q How long have you known him? A About 20 years.
Q Where has he been living most of that 20 years? A Most of the time in Canadian district.
Q Has he been living all the time in the Cherokee Nation. A Yes, sir. He did not stay at one place all the time.
Q Have you always known of him as a Cherokee by blood? A Yes, sir.
Q Do you know his mother? A No, sir, I never knew her. He has been counted a citizen of the Cherokee Nation by blood.
Q Is he so considered by the people? A Yes, sir.

I, John O. Rosson, as Stenographer to the Commission to the Five Civilized Tribes, say that I reported the testimony of the above named witnesses in full, and that the foregoing is a full, true and correct transcript of the notes.

John O. Rosson

Subscribed and sworn to before me this 15 day of August, 1900.

M. M. Breckinridge

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 1 1880

ACTING CHAIRMAN

RECEIVED SEP 1 1880

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 10, 1901.

In the matter of the application of Bird Doublehead et al. for enrollment as Cherokees by blood.

Supplemental testimony on behalf of applicant:

Appearances:

Applicant present:

J. L. Baugh, of counsel for Cherokee Nation.

LOUISA J. CRANE, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Louisa J. Crane.

Q How old are you? A I will be 57 if I live till the 20th of this month.

Q What is your postoffice address? A McLain.

Q Are you acquainted with Bird Doublehead? A Yes, sir.

Q How long have you known him? A Ever since he was a little small boy.

Q Has he always been recognized as a citizen of the Cherokee Nation?

A Yes, sir, that is all I ever knew him as.

Q His father and mother were both Cherokees? A I don't know about that.

Q Has he always lived in the Cherokee Nation? A Always when I knew him he did except the time he came down to the Choctaw Nation and drove out cattle up for us.

Q When was that? A That was in the fall of 1880.

Q How long did he remain in the Choctaw Nation? A I don't know sir.

Q Did he go down there for the purpose of making his home, do you know, or just for the purpose of working? A No, sir, he was hunting work when we hired him.

Q You didn't know his father and mother? A No, sir.

Q Since 1880 has he, to your knowledge, always made this his home, here in the Cherokee Nation? A Yes, sir, he lives a few miles from us.

Q Have you any idea why his name does not appear upon the roll of 1880? A No, sir, I don't know anything about it.

Q He was absent in the Choctaw Nation at that time was he? A Yes, sir.

Mr. Baugh: When did you first get acquainted with Bird Doublehead?

A On the bayou out here, Mr. Wilson was raising him.

Q In the Cherokee Nation? A Yes, sir, out here on the bayou.

Q About what time did you see him in the Choctaw Nation? A It was in 1880.

Q When you saw him there do you know what time he returned to the Cherokee Nation? A He came back in the fall of 1880 with me, he drove my cattle for me.

Q Did he state to you anything about where he had been at the time he came to your place? A No, sir, that is all I know.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 10th of September, 1901.

M. D. Green
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 19, 1902.

In the matter of the application of Bird Doublehead for the enrollment of himself, wife and children as citizens of the Cherokee Nation, D-169.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The said Bird Doublehead, being duly sworn, testified before the Commission as follows:

Q Is there any other statement which you desire to make relative to your enrollment as a citizen of the Cherokee Nation, and that of your wife and children? A Well, no more than what I have stated to you fellows.

Q Now, you stated when you appeared before the Commission the first time that you were admitted to citizenship in the Cherokee Nation by an act of the tribal authorities; have you any evidence of your admission; that is, have you any certificate of admission? A No, if I said that, I was in so much misery that I didn't know what I was saying. This here hand, you know how it was when you asked me the questions.

Q Well, did you ever apply to the tribal authorities of the Cherokee Nation for admission to citizenship? A No, sir, I never did try.

Q Where were you living when the roll of 1880 was made? A Well, I was in the Choctaw Nation, I was at South McAlester.

Q How long had you been living there? A I was living there—I went down there to help a man drive up his cattle here to the Cherokee Nation.

Q How long had you been there? A I was there about five or six months, not over six months.

Q Well, where did you go to then? A I came here to Canadian District in the Cherokee Nation.

Q Have you been living here continuously since that time? A Yes, sir.

Q And after your return you never did apply to the council or Cherokee Commissions on citizenship for readmission? A No, sir.

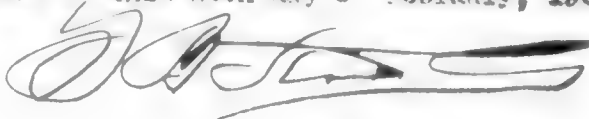
Q Is there any other statement you desire to make? A No, sir.

Q You submit this case to the Commission now for final consideration, do you? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of Maggie Doublehead for enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her husband Bird Doublehead, and her children, Filey E., and Clemmie T. Doublehead, as citizens by blood of the Cherokee Nation.

Maggie Doublehead, called as a witness, being first duly sworn by the Commission, testified as follows:

- Q. Your name is Maggie Doublehead? A. Yes sir.
Q. How old are you? A. Thirty three years.
Q. What is your postoffice? A. Checotah, I. T.
Q. Are you a white woman? A. Yes sir.
Q. Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes sir.
Q. What is your husband's name? A. Bird Doublehead.
Q. Is he a full blood Cherokee Indian? A. Yes sir.
Q. How long has he been living in the Cherokee nation? A. All his life.
Q. When were you married to him? A. In 1891.
Q. Is he your first husband? A. No sir.
Q. How often had you been married before you married him? A. Once before.
Q. Was your first husband dead when you married Bird Doublehead? A. No.
Q. Were you divorced from him? A. Yes sir.
Q. What was your first husband's name? A. George Douger.
Q. In what court were you divorced? A. Right here in Muskogee.
Q. When? A. A year before me and he was married; the second year.
Q. Two years before you and Doublehead were married? A. Yes sir.
Q. Who sued for the divorce? A. I did. I applied for my divorce, and when I came here and told them just how I was married, that I married a man under a different name than was his own; then they told me I was divorced.
Q. How was that? A. My first husband wore another besides his right name, and when I found it out I quit him.
Q. How many times have you been married? A. Twice.
Q. Your first husband's name was what? A. George Douger.
Q. Was that his false name? A. Yes sir.
Q. What name did you marry him under? A. I was married to him by the name of George Douger, and I don't know his right name; when I found he had married me under a false name I quit him because I was not married lawfully.
Q. Didn't you sue for a divorce? A. I come and applied for a divorce, and they told me I didn't have to have a divorce.
Q. Who told you that? A. I forgot the lawyer's name.
Q. So you never got the divorce? A. They told me I didn't have to have one.
Q. You didn't get one? A. I didn't know his right name.
Q. How do you know George Douger was not his right name? A. I don't know.
Q. You don't know whether it is or isn't? A. I don't know.
Q. You left him because the name didn't suit you? A. I left him because he wore some other name.
Q. Who married you and Bird Doublehead? A. A man by the name of Caswell.
Q. Who was he? A. He was an ordained preacher.
Q. Where did he live? A. Canadian district.
Q. What town? A. There wasn't any town.
Q. Is that preacher living now? A. Yes sir.
Q. Did he ever give you a certificate? A. No, I got a letter. I made my application for my marriage certificate; he was sick at the time. He was gone a long time before I could-- I have got to send him the money to get it with and then I can get it.
Q. Well, you better get that.

The applicant is required to get a certificate of her marriage from J. C. Caswell, a minister of the gospel

who is alleged to have performed the marriage ceremony between her and her husband George Doublehead.

- Q Is George Douger dead? A I can't tell you; he has been separated 17 years.
- Q Was he living when you married Doublehead? A I don't know.
- Q You were separated three years before you married Doublehead?
- A Yes sir.
- Q You didn't know whether he was living or dead, did you? A No sir.
- Q How many children have you? A Two, Filey K., and Clemmie T.
- Q Are they by your present husband? A Yes sir.
- Q They are both living, are they? A Yes sir.
- Q And your husband is living? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony in the above entitled cause, and that the foregoing is a true and accurate transcript of her stenographic notes of said proceedings.

Frances R. Lane

Subscribed and sworn to before me this October 25th, 1902.

B. C. Jones
Notary Public.

[illegible]

The evidence further shows that Bird Doublehead has lived in the Cherokee Nation all his life, excepting the temporary absence heretofore referred to. Said absence, however, was in the Choctaw Nation and did not extend beyond the limits of the Indian Territory. It is considered that the minor applicants herein have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Bird Doublehead, Billy H. Doublehead and Florida T. Doublehead should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 23, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Commissioner.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

M. E. Stanley.

Commissioner.

Noted at Muskogee, I. T.,

this JUN 1 - 1903

COMMISSIONERS
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-169.

ALLISON L. AYRESWORTH,
SECRETARY

Muskogee, Indian Territory, July 9, 1903.

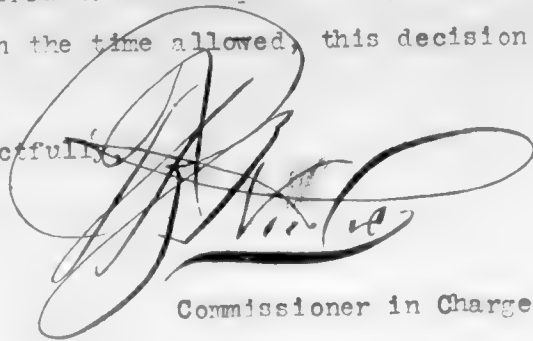
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Bird Doublehead for the enrollment of himself and his two minor children, Filey E. and Clemmie T. Doublehead, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-21.

IN THE MATTER OF THE APPLICATION OF

Bird Doublehead & Co

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony August 22, 1900
- B. Mem^o of application. " 22, 1900
- C. Supplemental testimony. " 24, 1900
- D. Cert. rel to enrollment
- E. Supplementary testimony Sept 10, 1901
- Notice of final determination
- Supplemental testimony & order
- Closing testimony 2/19/02

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., August 23, 1900.

In the matter of the application of Martin V. Beedle for enrollment as a citizen of the Cherokee Nation, he being duly sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Martin V. Beedle.
Q What is your age? A 60.
Q What is your post office? A Wagoner.
Q What is your district? A Illinois.
Q Who is it you want to be put upon the rolls? A Just myself.
Q You apply as a Cherokee by blood? A No, sir.
Q Have you a certificate of marriage? A No, sir, I lost it on the railroad.
Q When were you married? A I was married in April, 1882.
Q To whom were you married? A To Irene Childers.
Q That was the maiden name of your wife? A Yes, sir.
Q Is she dead now? A Yes, sir.
Q When did she die? A She died in February, the 24th, 1900.
Q Have you lived in the Cherokee Nation ever since you were married in 1882? A Yes, sir.
Q Did you and your wife live together since your marriage, until her death? A Yes, sir.
Q She is on the roll of 1880 as a Childers? A No, sir, she is not on the rolls of 1880.
Q Was she admitted by action of the Cherokee Commission? A I do not know.
Q How old was she when she died? A 57.
Q How did she acquire her Cherokee citizenship? A I do not know anything about it.
Q Is there anyone here who knows about your case? A Yes, sir, Captain Jackson.

CAPT. WM. JACKSON, his attorney, being duly sworn by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A William Jackson.
Q What is your post office? A Wagoner.
Q Are you his attorney? A I was his attorney when his citizenship was contested sometime ago.
Q He claims his citizenship through his wife, she is not on the rolls of 1880? A She was not in the country. Her sister was on the rolls of 1880; she was absent at the time. She is on the roll of 1896.
Q Is she on the rolls of 1894? A Yes, sir.
Q Did she apply to the Commission or Cherokee authorities? A I do not know.
Q How long was she gone in 1880? A She was absent from here in 1881.
Q She was absent in 1880, until 1881? A Yes, sir.
Q Did she leave early in 1880? A I do not know when she left, she came back in 1881.
Q Was she absent when the roll of 1880 was taken? A Yes, sir.
Q What was the nature of her absence in 1880? A She went off to keep a restaurant on the railroad.
Q She left her effects here did she? A Yes, sir.

M. V. Reedle--2.

CROSS-EXAMINATION by Mr. Raugh, Attorney for the Cherokee Nation.

- Q Is she a sister of Bill Brewer's wife? A Yes, sir.
Q Is it not a fact that Bill Brewer's wife is not a Cherokee?
A She is on the rolls of 1880.
Q Is it not a fact that she is not a Cherokee? A I do not know.

Attorney for the Cherokees desires to have his objections noted of record and his exceptions saved.

RE-DIRECT EXAMINATION of Mr. Reedle by Commissioner Breckinridge.

- Q What is the name of your father? A Jacob Reedle.
Q He is a white man, is he? A Yes, ~~that~~ sir.
Q Is he dead or alive? A Dead.
Q What is the name of your mother? A Sarah.
Q White woman? A Yes, sir.
Q Is she dead or alive? A Dead.
Q Give me the name of your wife's father? A I do not know.
Q Do you know the name of your wife's mother? A No, sir, I do not, I never saw her.

1896 enrollment; page 926, #31, Martin V. Reedle, Illinois.
1896 enrollment; page 845, #308, Irene Reedle, Illinois.
1894 enrollment, Page 754, #280, Rena Reedle, Illinois.

Com'r. Breckinridge:

The applicant is identified on the roll of 1896 as an intermarried Cherokee. His wife is identified in the rolls of 1894 and 1896; he has died since the latter roll was made. She is not upon the roll of 1880, under the considerations explained in the testimony, though it is claimed that she was a native of the Cherokee Nation and made it her home all her life.

The applicant is not able, at this time, to produce his Cherokee marriage license and certificate. For the further consideration of evidence in regard to the Cherokee citizenship of the applicant's wife, for whom he claims, at the suggestions and request of the Cherokee representatives present, this application will be placed, at present, upon a doubtful card and also to await the production by the applicant of his Cherokee marriage license and certificate.

I, John O. Rosson, as Stenographer to the Commission to the Five Civilized Tribes, say that I reported the testimony of the above named witness in full, and that the foregoing is a full, true and correct transcript of the notes.

John O. Rosson

Subscribed and sworn to before me this 24 day of August 1900.

Chas. M. ...
Commissioner.

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D. J. L. WEAVER
COMMISSION TO THE FIVE C
FILED
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CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

HOWATA, I. T., OCTOBER 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Martin K. Decker: Depo-
sitory Testimony to said Richard D. Mayo:

Richard D. Mayo, being sworn and examined by Commissioner, C. R.
Brackendridge, deposes that as follows:

Q What is your full name? A Richard D. Mayo.

Q How old are you? A Fifty five.

Q What is your Postoffice? A Radona.

Q To what District do you belong? A Coconino County.

Q Charlotte Decker, deceased, J. L. Decker.

Q Were you acquainted with her, Irene Decker? A Yes sir.

Q Who was she? A She was the daughter of Jim Decker, a person
who that had lived in the Cherokee Nation for many years: I knew
since 1858.

Q Who was her mother? A Mary Van.

Q Did this Irene Decker have any children? A No sir,
no that I ever heard of.

Q Was she any relative of yours? A Yes sir; she was a first
cousin of mine.

Q Her mother and father, one half white? A Yes sir.

Q Did you know that they claimed the rights of Cherokee?

A They never claimed the rights as long as I knew them.

Q She was a sister to Bill Brewer's wife? A Yes sir; full sister.

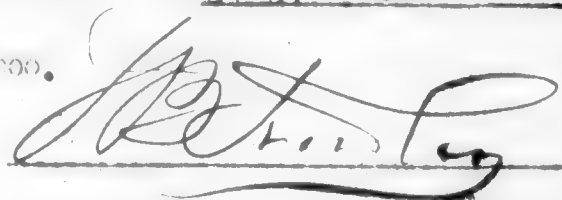
Q Bill Brewer's wife appears on the roll of 1890, as a Native
Cherokee; can you give the Commission any reason why she was
there as a Native Cherokee? A I can not: She never was considered
a Cherokee: She had married before that to a Cherokee.

Q You think then she didn't have simply been placed on that roll
because she was Bill Brewer's wife? A Yes sir.

Q You know of your own personal knowledge that they are not Cher-
okee by blood? A Yes sir; I do.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me
this 15th day of October, 1900.

R. R. Craven


COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 31 1901

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JAN 31 1901

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 28, 1901.

In the matter of the application of Martin V. Beadle.

~~Commissioner~~ Needles-

Applicant presents a certified copy of a Joint resolution resolving that Man Brewer and Irene Beadle be enrolled upon the Census roll of Illinois district, on the roll for Cherokee citizens of the Cherokee Nation by virtue of their Cherokee blood. Certificate of resolution was passed by the Senate and concurred in by the Council of the Cherokee Nation on the 2nd day of May, 1894; said certificate being signed by B. W. Alberty, Assistant Executive Secretary, under the seal of the Cherokee Nation.

Applicant also presents certified copy of the decision of the Supreme Court.

He also presents a certificate from Martin V. Brown, Clerk of Illinois district, certifying that he issued a license for the marriage of Martin V. Beadle and Irene Childers.

He also presents a certificate from A. C. Cookson, Clerk of Illinois district, certifying to the mutilation of the records.

E. C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above proceedings, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 28th day of January, 1901.

E. C. Rothenberger
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE ASSOCIATED TRIBES

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Supl. C.D.#170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARTIN V. NEEDLE, as a Cherokee citizen, introduced on part of the
applicant:

APPEARANCES:

W. P. Thompson, Attorney for applicant;
Mr. Hastings, Cherokee Representative.

MARTIN R. BROWN, being duly sworn by Commissioner Needle,
testified as follows on part of applicant:

MR. THOMPSON: What is your name? A Martin R. Brown.

Q Age? A 42.

Q Post office? A Tahlequah.

Q You know the applicant, Martin V. Needle? A Yes, sir.

Q Did you know him in the year 1882 and '3? A Yes, sir.

Q You know his wife, Irene Needle? A Yes, sir.

Q What official position did you hold in 1882 and '3? A I was
Clerk of Illinois district at that time.

Q As Clerk of Illinois district did you issue any license to Martin
V. Needle to marry Irene Childers? A Yes, sir.

Q Under the laws of the Cherokee Nation regulating the marriage of
white man and foreigners with citizens? A Yes, sir.

MR. HASTINGS: In what year were you elected Mr. Brown?
A 1882, served '82 and '3.

Q And you went in on the third Monday in 1882? A I think that
is the date; yes, sir.

Com'r Needles: This testimony will be filed with the
testimony in the case.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

COMMISSION

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1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Feb. 18, 1902.

In the matter of the application of Martin V. Beedle for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by W. P. Thompson, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

-:TESTIMONY IN BEHALF OF THE APPLICANT:-

WILLIAM JACKSON, being first duly sworn, testified before the Commission as follows:

MR. THOMPSON: What is your name? A William Jackson.

Q What is your age? A 67.

Q Postoffice? A Wagoner.

Q Are you an attorney for Martin V. Beedle in this case? A Yes, sir.

Q As such attorney, have you made an examination of the marriage record of Illinois District? A Made the examination of them in another case; in a case that was up before, injunction case.

MR. HASTINGS: In that case? A In a case there was an injunction got out stopping Beedle from being in possession of a place. And I went all through the record at that time, and I have seen it since.

Q How long ago was it? A When I saw the book? Why, it's about—it was during the time of Council in Tahlequah.

Q This last council? A Yes, sir.

MR. THOMPSON: Last November? A Yes, sir.

Q What condition did you find that record in? A Well, I found a great many of the pages in the book cut out, and it was mutilated, tore to pieces almost; there was a number of pages that were cut out; you could see that they were cut out; and generally was mutilated and in a bad condition.

Q Were these pages cut out all in one place, or in several different places? A Why, I think there was two different places I think there was a number of pages cut out along one space, and then several pages turned over and then I think it was two pages missing. I could not say positively about that.

MR. HASTINGS: Come now the representatives of the Cherokee Nation, and move to exclude this testimony for the reason that it is not competent. The best testimony would be the production of the records themselves so that a thorough examination could be had and it could be ascertained what pages were cut out and what dates came immediately before and what dates immediately after the missing pages, and it could be ascertained whether or not the parts of the record that should contain the marriage license of this date is lost or not.

COMMISSION: Objection of the Cherokee Nation will be duly noted, and the testimony considered for what it is worth.

-:TESTIMONY IN BEHALF OF THE NATION:-

NORA BEEDLE, being first duly sworn, testified before the Commission as follows:

MR. HASTINGS: What is your name? A Nora Beedle.

Q Where do you live, Mrs. Beedle? A Wagoner.

Q How long has that been your postoffice? A Since last February was

a year ago, well I have forgot the date, somewhere in February, though.

Q Do you know Martin V. Reedle? A Yes, sir.

Q Were you married to him? A Yes, sir.

Q When were you married to him? A In February.

Q Of what year? A In 1901.

Q Are you living with him now or his wife? A No, sir.

Q How long did you continue to live together as husband and wife?

A From February until July, the fourth of July he left home.

Q Did he leave you or you him? A He left me.

Q Tell the Commission the circumstances of this separation? A Well, in April he received a postal-card from a lady in Iowa, saying that she was coming out. He claimed her as a—

MR. THOMPSON: I object to the testimony on the grounds that she is attempting to state the contents of a postal-card, and the postal-card itself is the best evidence.

COMMISSION: The objection will be noted, and the witness will answer the question.

Q Have you that postal-card? A No, sir. She came out and he said he loved her better than he ever loved a woman in his life, and I says "No, not superior to his wife," he says "Well I would say yes." Well, she stayed there for two weeks; I got everything in the world that a table needed, to try and make a friend of her; but when I found out that I couldn't I told him if he didn't make a leave I would make a leave, and he said he wouldn't, so I dropped, slacked off from furnishing things for the table like they ought to be, and that drove her away, and then when she went to his brother's why it wasn't long till he went. He wrote a letter and laid it on my table, telling me what he would give me. There is the—that is not the letter, but that is the contract that we signed up between us.

Q Well, the result of it was he left you? A Yes, sir, he left me.

Q Well, did he go where this woman was staying? A Yes, sir.

Q Was this woman any relation to him? A He claimed her.

Q What relation did he claim? A He claims that she was a niece.

Q Niece? A Yes, sir; but they had been to school together, and he said he loved her when she was little, and that he still did so, and I should treat her as a queen, and I told him not me.

Q Well, you are living apart yet? A Yes, sir.

Q You have never lived with him since? A No, sir; no, never will.

Q You are a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you ever give any cause for him to leave you other than this that arose over this difference? A No, sir; not that I know of. If I did—I wrote to him after he was gone—the grief liked to killed me. I told him I didn't want his stuff; I didn't care whether he left them to me or not; it wasn't that; that I didn't marry him for property, and I wrote to him after he was gone; I told him that if there was anything in the world that I had done out of a wife's place I wanted to know, and he said it was his fault. He didn't write to me; he said it was his fault. I made him acknowledge it before that lawyer. The lawyer asked him: "What have you got against this woman—"

MR. HASTINGS: I object to what the lawyer—

COMMISSION: WAS it in your presence? A Yes, sir. Q Well, tell it. A Well, he says "What have you got against this woman?" Well he says "Well, the children are in the way." He had to say something. Well, the children had lived there before this woman come all the time, and there was no objection.

MR. THOMPSON: No disturbance at all? A No, sir. We just lived in perfect peace till he come and he wanted to go down and get a surrey to take her around, and I had been begging for a surrey, and I says "Why didn't you get a surrey for me, I have been begging for one?" I had been a kitchen girl while she set in the house, and I think that is enough for any woman—more than I wanted to stand.

Q Mr. Beedle's niece came down to see him from Iowa, and you got jealous of her, didn't you? A Well, if you had been in my place—I didn't like her there because he thought too much of her.

Q And you made a sort of a hothouse for him didn't you? A I told him just what I told you, that I—

Q Isn't that a fact; didn't you make it very unpleasant to him there because of your jealousy of this woman? A No, sir.

Q You raised a row about his treatment of his niece who came to visit him? A Well, if you had a wife and she was sitting out here with another man, and they couldn't hardly get apart, wouldn't you be jealous? Well that is the reason.

Q And you raised a row with him too, didn't you? A Yes, sir, I did. We both raised a row, because I didn't think that his place in a family.

Q What was it you told him, if he wouldn't leave why you would? A I told him if he didn't make her leave I would make her leave.

No, sir; I told him right there—I throw my arms around his neck, and begged him to stay, and he said he wouldn't do it.

Q When you drove his niece away? A Well, I drove her away by slacking on the table, she saw that I was cold water. And I drove her away in that way.

Q Didn't he go to his farm, to his brother's on that farm? ~~xxxxxx~~ didn't he own that farm? A He did own it, and he gave it to me.

Q You were the one who owned it at that time? A Yes, sir. But she was down there.

Q Whose house was this you were living in at this time? A His property, but I wasn't to give it up until January 1st you see on this; but I did give it up and rented it to Mr. Jackson there to get peace.

Q You never saw any indecent conduct between your husband and his niece did you? A Only he thought so much of her he couldn't hardly leave her. He cursed me one night and told me to get up and go upstairs and sleep while she was there. I told him that I got that bed below, and I was going to stay, and I turned over and went to sleep.

Q You was quarrelling with him at that time? A I was sound asleep—
Q When he told you to go? A No, sir, I was sound asleep, and he told me to go upstairs and sleep there, and I said I got that bed below and I was going to stay.

MR. HASTINGS: Was this niece of his a white woman? A Yes, sir.

MR. THOMPSON: You have never instituted divorce proceedings have you? A No, but we are going to have one, one of us.

MR. THOMPSON: The applicant moves to exclude the testimony of Reuben B. Tyner, taken on the part of the Cherokee Nation on the 15th day of October, 1900, at Nowata, I. T., for the reason that said testimony was taken without notice to the applicant, and the applicant was not able to cross-examine said witness; that said testimony was taken ex parte without privilege of cross-examination.

MR. HASTINGS: The Cherokee Nation objects to this motion for the reason that at the time the testimony of Reuben B. Tyner was taken there was no rule of the Commission requiring any notice to be given, either by the Cherokee Nation or to applicants for enrollment before taking testimony by either party, and that the rule made by the Commission was promulgated sometime in April, 1901.

COMMISSION: Motion of the attorney for the applicant, together with the objection of the Cherokee Nation, will be duly noted, and the testimony considered for what it is worth.

Case continued until February 28th by agreement between representatives of the Cherokee Nation and the attorney for the applicant.

NORA BEEDLE recalled:

MR. THOMPSON: Are you a citizen of the Cherokee Nation? A Yes,

sir.

Q And duly enrolled as a citizen of the Cherokee Nation? A Yes, sir.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MARTIN V. BEEDLE as a citizen of the Cherokee Nation, introduced on
part of the Cherokee Nation:

The applicant was notified by registered letter February 3d, 1902, that his application to be enrolled as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 19th day of February, 1902. On said date applicant appeared by his Attorney, W. P. Thompson, Vinita, Indian Territory. By agreement between the representative of the Cherokee Nation and attorney for the applicant the case was continued until the 28th day of February, 1902. The same being this day called, to-wit: the 28th day of February, 1902, the applicant appears by his Attorneys W. P. Thompson, and William Jackson.

Mr. W. W. Hastings, Cherokee Representative, present.

REUBEN TYNER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Reuben Tyner.
Q What is your age, Mr. Tyner? A 57.
Q What is your post office? A Ramona.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you born? A I was born in Tahlequah district.
Q You were born in the Cherokee Nation? A Yes, sir.
Q You lived in the Cherokee Nation prior to the war? A Yes, sir.
Q Where did you live when the war came up? A I lived in Cooweescoowee district on Bird Creek.
Q Did you know a woman by the name of Irene Childers who subsequently married M. V. Beedle? A Yes, sir, I knew Irene Childers.
Q How long did you know her? A I known her ever since '58.
Q Did you know her father? A Yes, sir.
Q What was his name? A James Childers.
Q What was her mother's name? A Katie.
Q How far did you live from when the war came up?
A They lived right on my place, my father's place.
Q What relation was this woman, if any, to you?
A She was a first cousin to me.
Q You knew them well did you? A Yes, sir.
Q You say they lived on your father's place? A Yes, sir.
Q What was their citizenship at that time? A They were considered white folks.
Q Well, did they claim to be Cherokees then? A No, sir, they never did claim any Cherokee blood at all.
Q Were they recognized as Cherokee citizens? A No, sir.
Q Were they allowed to go to the public schools?
A No, sir, the children were barred from going to our public schools.
Q Did they own any farm? A No, sir, they just lived on some of the outhouses there on our improvements.
Q Renters? A Yes, sir.
Q You know where these people came from when they came there?

Q They moved out of the Creek country.

Q About when did they move in that section? A They moved in there in the winter of '57.

Q 1857? A Along in the,--probably might have been '58; it was early in the spring-like.

Q When did you first here of them claiming Cherokee citizenship?

A I never heard of them claiming any citizenship until here of recent years.

Q Recent years? A Yes

MR. THOMPSON:

Q How old you say you were? A 57.

Q When were you born? A I was born November 30, 1845.

Q When you were here swearing about all these people living there in 1857 or 8 you were about 11 years old? A I was about 14 or 15 years old.

Q How do you make 14 or 15 between 1845 and 1857? A That was 12 or 14 somewhere along there.

Q You were about 11 or 12 years old, wasn't you? A I was 13 years old when I first got acquainted with the children.

Q Did you know Katie Vann was the mother of Irene Childers, an old settler and drew Cherokee money? A No, sir; I never heard that; in '52 or '51?

Q I am asking you if you knew that fact? A No, sir; I don't.

Q She might have done so and you not known it?

A I was quite small.

Q These people might be Cherokees and you don't know anything about it? A They was not considered so among our people; my mother was a sister to James Childers.

Q Did you know that Irene Childer's sister, Nancy Brewer, was on the 1880 roll as a native Cherokee? A I heard she was on that roll.

Q Did you know that Irene Childers or Irene Beedle and Nancy Brewer had been placed on the roll by a resolution of the National Council of the Cherokee nation as Cherokees by blood? A No, sir.

Q Then there is a whole lot of things the citizenship of these people you don't know? A There must be if that be the case.

Q Did you know that a Cherokee official issued a license to Irene Childers to marry M. V. Beedle? a citizen of the United States?

A I don't know.

Mr. Hastings: I object to that.

Commission: The objection will be noted; answer the question.

Q Don't you know that the Clerk of the district issued a license showing she was to marry--a Cherokee woman to a citizens of the United States? A No, sir.

Q In 1881 or '82? A Nothing of that never come to my knowledge as I heard of at all.

Q You know whether she has owned and held land in the Cherokee Nation from that time down to the present time as a citizen of the Cherokee Nation? A I don't know that either.

Q Do you know whether she has prosecuted suits in the Cherokee court as a Cherokee citizen? A No, sir, I never heard of it.

Q Do you know whether the Supreme Court of the Cherokee Nation ever passed on the question of her citizenship and decided that she was a citizen or not? A No, sir, I don't know that.

MR. HASTINGS:

Q Do you know whether Will Thompson is a Cherokee by blood or not?

Mr. Thompson: I object; my rights to citizenship are not in question.

Q Do you know that?

Mr. Thompson: I object.

Commission: Objection will be noted and answer the question.

A I don't know.

Q Do you know how old he is? A No, sir.

Q If the Clerk did issue him a marriage license, the Clerk ain't supposed to know the citizenship of everybody in the Cherokee Nation, do they? A No, sir.

Q There is a good many things that the Supreme Court might have done and might have decided erroneously? A Yes.

Q What you attempted to testify about is your knowledge of this woman before the war? A Yes, sir.

Q She was your first cousin? A Yes, sir.

Q And you lived right by her? A Yes, sir.

Q And you knew at that time she was not a recognized citizen of the Cherokee Nation?

Mr. Thompson: I object to his question as leading.

MR. THOMPSON:

Q How did she come to be your first cousin? A My mother and her father was full sisters and brothers.

Q You don't know what the citizenship of your mother was, -Katie Vann? A She was considered a white woman by everybody that lived there; my mother always told me she was a white woman, never owned anyplace, or pretended to own any.

Q You don't intend to come here and say that the Supreme Court rendered an erroneous decision? A No, sir.

WILLIAM ROGERS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A William Rogers.

Q What is your post office? A Skiatook.

Q What is your age? A Born in '49, 53 years.

Q Did you know Irene Childers who was the former wife of M. V. Beedles? A I don't know anything about Beedles, I knew a Rene Beedles we used to call her.

Q Well, her father was named Jim? A Yes, sir.

Q Did you know her mother? A Katie.

Q When did you know them first? A They came there about the time that Mr. Tyner did in that country I live. They came there about in the winter of '57 or '8.

Q Was that before the war? A Yes, sir.

Q In what neighborhood was that Mr. Rogers? A That was right by where I live, in a mile or three-quarters.

Q Where you live now? A No, sir; I lived above where I live now.

Q That was in the neighborhood or Bird Creek? A Yes, sir.

Q What was their citizenship at that time? A They was always considered white folks there when they came there, that is my understand, I don't know; and that is the only things I heard. They had a boy, Sunday Childers we always went with-

Mr. Thompson: I object to that being hearsay and not admissible.

Q Did they own any improvements at that time? A Not at that time.

Q Were they permitted to go to the public Cherokee schools?

A No, sir; they come there and they would not allow them to attend.

Q Were they recognized as renters? A They didn't pretend to be anything I know of only lived in old man Tyner's house.

Q Did they claim to be Cherokee citizens at that time?

A No, sir.

Q You have known them since the war? A I haven't saw the children since Childers' trial in Fort Smith, I think it was in '72.

Q What was he tried for, A Murder.

Q Who? A He murdered a young fellow right above us there.

Q What was his citizenship? A Which, the man killed?

Q Yes. A He was a white man from Kansas.

MR. THOMPSON:

Q How old are you, Mr. Rogers? A Born in '49.

Q When did you first know these people? A I think it was along in the winter of 1857 or '8.

Q How old were you at that time? A Well, I guess I would have been, '57; let's see, '49; ten, been about nine years old.

Q How far did you live from them? A About a half or three-quarters of a mile.

Q How long did you live there? A I had been there since 1857, in the spring.

Q That was how long did you live there? A Where?

Q I mean there in a half of mile or three-quarters?

A We lived there up until after the war.

Q You lived there about three years? A We lived there from the spring of '57 until '61.

Q Where did you go then? A Went South.

Q Where did you ever see these people again? A Never saw them until here at Fort Gibson, right at the war at Fort Gibson, and never saw them any more until Childers' trial at Fort Smith.

Q Well, Irene Childers had a sister named Nan Childers married Bill Brewer? A Yes, sir; that is why they tell me, that Bill Brewer married Nan.

Q Did you know their mother, Katie Vann? A Yds, sir; I didn't know her by any Katie Vann, I knew her by Katie Childers.

Q Do you know whether she was an old Settler? A No, sir.

Q You don't know whether she received any money?

A No, sir.

Q Do you know anything about them being recognized citizens of the Cherokee Nation? A I never knew it until one time I was called a witness down at T hlequah when this same lady was applying to them- called me on the stand there as a witness.

Q That is the Committee? A The Committee did yes.

Q Was that before 1894? A It was before the payment, probably a year before the payment. It might have been the year following the payment

Q That was when they was making a provision for the money?

A Yes, sir.

Q Do you know what the result of that Committee's work was?

A That is, you mean what they did with her?

Q Yes. A No, sir, I don't know anything about it.

Q I will state, Mr. Rogers, it is in evidence here there was a resolution of the National Council passed on April 30, 1894, enrolling Nan Brewer and Irene Beedle on the census roll of Illinois District; was that about the time in which you went before the Committee? A I don't just remember about the time; it was about the time of that payment.

Q There was a special term made, provision for the payment?

A I don't know; I was called there as a witness against that lady.

Q You don't know whether she was a recognized citizen before that time or not? A I don't think she ever was; I never heard of it; never heard until then that Nan was on the 1880 roll.

Q Do you know anything about her owning property? A No, sir, I don't know anything about that.

Q You haven't seen them since 1870? A No, sir.

MR. HASTINGS:

Q Nan Brewer's husband is William Brewer? A Yes, sir.

Q You know him to be a Cherokee? A Well, I don't know that.
Q You know he is a recognized citizen? A Yes, sir.

MR. THOMPSON:

Q All you know about their citizenship is what people said?
A That was the understanding up there where I live.
Q Just simply neighborhood talk? A Yes, and old man Tyner's folks and all said they was.
Q That is what I was saying, neighborhood talk? A Yes, sir.

MR. HASTINGS:

Q You lived right by them? A Yes, sir.
Q This other witness, R. B. Tyner, lived there too?
A Yes, sir, boys together.

Mr. Thompson: I desire to introduce a permit in favor of H. V. Beedle to employ James Beedle as a farmer by the Clerk of Illinois District, Cherokee Nation, in 1888.

I desire to make return of a subpoena issued by the Commission on the 19th day of February, 1902, which was duly served on William Brewer and Nancy Brewer and sworn affidavit as to service, and ask at this time if there is any possible way to compel the attendance of witnesses.

Mr. Thompson: We ask that a continuance be given us on account of the absence of William Brewer and Nan Brewer, two material witnesses in behalf of applicant for whom subpoenas have been issued and legally served, and they have refused or failed to appear. The applicant does not feel safe in closing his testimony without the evidence of said witnesses, wherefore the applicant asks that the case be continued for some reasonable time to give him an opportunity to produce his further proof in the matter.

Commission: At the request of the attorney for the applicant the case will be continued until the 14th day of March, 1902, the representative present of the Cherokee Nation agreeing to the continuance.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 3, 1902.

J. O. Rosson

Commissioner.

D170

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 1 1902

ACTING CHAIRMAN

R.

C. D-170.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Martin V. Beedle for enrollment as a citizen of the Cherokee Nation.

Appearances:

Thompson & Jackson, attorneys for applicant.
W. W. Hastings; Attorney for Cherokee Nation.

Case continued from February 28, 1902, by agreement, to March 14, 1902.

LIZZIE KAIL? being first duly sworn, and being examined, testified as follows:

MR. THOMPSON: What is your name?

A The Daves commission gave me my father's name back, Kail, Lizzie Kail.

Q How old are you? A Sixty-two.

Q What is your post office? A Port Gibson.

Q Did you know Irene Beedle, formerly Irene Childers? A Yes sir.

Q How long have you known her?

A I got acquainted with her before the war.

Q Was she a full sister to Nan Burr? A Yes sir.

Q Were they recognized in the neighborhood in which they lived as Cherokees? A Yes sir. I never heard any other talk but what they were Cherokees.

Q How near did you live to them?

A Within a half a mile of Mrs. Beedle, until she moved out on the place.

Q How near did you live to them before the war?

A That was within half a mile of my father's place.

Q Were you intimately associated with them? A Yes sir.

Q Were you present at the marriage of Irene Childers and M. V. Beedle? A Yes sir.

Q Who married them? A Mr. Walker.

Q What office did he hold at that time? A District Judge.

Q Where was she married? A At Bill Brewer's in the Cherokee Nation.

Q Do you know where she was in the year 1880?

A No sir, I do not remember.

Q Do you know the circumstances of her going out as a restaurant keeper on the railroad, keeping a restaurant for the railroad in this country?

A She went somewhere, but I don't know where she went.

Q Did she move out at that time?

A She just took some things in a wagon.

Q What did she do with the other things?

A Left the things with her sister.

Q What sister? A Mrs. Brewer.

Q Nan Brewer? A Yes sir.

MR. HASTINGS: Where were you born?

A What part of the Nation do you mean, Braxton. Beatty's Prairie.

Q Where did you live when the war came up?

A In Port Gibson, where I am living now.

Q When did you leave Beatty's Prairie?
 A After my father died.
 Q What year did he die?
 A I don't remember, I was going to school at Tahlequah.
 Q Had you married before the war? A No sir.
 Q You was just a single girl before the war? A Yes sir.
 Q You never lived on Broad Creek before the war? A No sir.
 Q Where was Irene Childers living when the war came up?
 A I don't remember.
 Q You never saw her, then, before the war?
 A I don't know whether it was just before the war or just after.
 Q You are not certain of ever seeing her father?
 A No, I don't know as I remember seeing him.
 Q You don't know his name?
 A No, I heard it, but I don't remember.
 Q You are not certain of seeing her mother? A Yes I have.
 Q That was since the war? A Yes sir.
 Q Did you ever know this woman, Irene Childers, until she was married to Mr. Beedles about that time?
 A Yes, I was with her a good deal of the time.
 Q About how long before she married Beedles that you got acquainted with her?
 A I don't remember.
 Q Your best judgment? A Several years, I guess.
 Q Four or five? A Yes, I reckon.
 Q Is that your best judgment? A Yes sir.
 Q She lived with her sister in Fort Gibson? A Yes sir.
 Q Before that? A Some four or five years.
 Q When did you come to Fort Gibson after the war?
 A I don't remember.
 Q Do you know about how many years before you went there?
 A I lived on this side of the river.
 Q On this side? A Yes sir.
 Q On this side of the Arkansas River?
 A This side of the Grand River. Lived there until I went to Texas after peace was made.
 Q How long did you live there? A More than I can tell you.
 Q Do you have any idea how many years it was after the war before you became acquainted with Irene Childers?
 A I guess it was directly after peace was made.
 Q About how many years? A That is more than I can tell you.
 Q She was not living with her parents? A With her mother.
 Q With Bill Brewer's? A No sir.
 Q Had Bill Brewer married her sister yet? A No, I think not.
 Q Bill Brewer is a Cherokee by blood? A Yes, I guess so.
 Q Isn't his Cherokee citizenship in dispute? A I guess so.
 Q Nan Brewer was living with Bill Brewer in 1880?
 A I guess she was.
 Q Do you know whether or not Mr. Brewer enrolled her?
 A I could not tell you.

MR. THOMPSON: Did you know her when you lived across Grand River before you went to Texas, and after you came back?

A I guess it was after I came back, I don't remember.
 Q About how long after you came back?
 A Right away, I stayed with them a while.
 Q How long was that after you came back from Texas?
 A I guess it was right away.
 Q You say you knew her mother? A Yes sir.
 Q Who was she? A Mrs. Childers.
 Q Do you know her name before she was married? A No sir.
 Q Do you know whether she was a Cherokee herself or not?
 A I could not tell you that.

Q Do you know whether she passed as a Cherokee or not?
A No sir, I do not.

M. V. BEEDLE, being first duly sworn, and being examined, testified as follows:

MR. THOMPSON: What is your name? A M. V. Beedle.
Q You are the applicant in this case? A Yes sir.
Q What is your post office address? A Wagoner.
Q What is your age? A Sixty. It is something over sixty one, but I tell the girls it is sixty.
Q When were you married to Irene Childers?
A I was married on the 4th day of April, 1892, at Bill Brewer's in the Cherokee Nation.
Q Did you get signers for a license to marry her? A Yes sir.
Q Who from? A I got the license from Brown.
Q What Brown? A I think they call him Tucknie Brown. I don't know his initials.
Q What office did he hold at that time? A District Clerk.
Q Did you get signers to your application? A Yes sir.
Q Can you name some of the signers?
A Bill Brewer is one, Tom Henry, Henry Perry Sisson, I don't know whether I can remember them all.
Q What has become of your license and certificate?
A It got lost, that is all I know.
Q Have you made a search for it? A Yes sir.
Q Have you examined the records?
A I had them examined, I think.
Q You had the records looked at in Illinois District at one time?
A Yes sir.
Q What was the matter with the records?
A Of course I did not examine the records myself, but they were said to be in a muddled condition.
Q Is that what the officer reported to you? A Yes sir.
Q You married a second time recently? A Yes sir.
Q Who did you marry? A I married the widow Falkner.
Q Is she a citizen of the Cherokee nation? CA Yes sir.
Q Your first wife, Irene Childers, was dead at the time you married this woman? A Yes sir, she was dead.
Q There was a separation between you and her, was not there?
A Yes sir.
Q State to the Commission the reasons for that separation?
A I hardly know.
Q What was your conduct and your treatment of her?
A I tried to treat her right.
Q Did you treat her right? A I think so.
Q Did you provide for her? A Yes sir.
Q Did you give her any cause, any reason for separating from you?
A None in the world.
Q Did you leave her, or did she leave you?
A She left me.
Q Did she state the reason for leaving you at the time?
A Yes, she got very jealous of a niece of mine that was on a visit.
Q Where was she from? A From Iowa. She is gone to Colorado now.
Q Was your treatment of your niece any other than that of an uncle toward a niece? A No sir.
Q Did you mistreat your wife in anyway on account of your niece?
A I did not.
Q State the circumstances of her leaving when you state she left you?
A She just went to crying one night, and I asked her what was the matter, and she said I was too particular with my niece, and the quarrel began. She got up and made her bed on the floor. We were in bed together. She slept on the floor a few nights, and we just quit.

Q Did you ever try to get her to come back? A Yes sir.
 Q How long after? A About eight days, as I remember.
 Q Did you go to her and ask her to come back? A Yes sir.
 Q Was there any ground, any cause for her being jealous of you and your niece.
 A I will say not, no.
 Q Was there any intimacy between you and your niece?
 A No sir, none in the world.
 Q Any misconduct? A No sir.
 Q Where were you living, did you say? A Wagener.
 Q Have a house and home there? A Yes sir.
 Q Did you provide for her? A Yes sir.
 Q Did she leave that house and home, or did you? A She did.
 Q Where is she living now? A In one of Mr Johnson's houses.
 Q Where are you living? A On the farm.
 Q How long did you live in this house after she quit you?
 A About five or six days, that is all.
 Q Where were you living when you went to her to ask her to come back? A I was down at the farm.
 Q After she left you, did you make any provision for her of your property? A Yes sir.
 Q But she refused to live with you? A Yes sir.
 Q Did you ever refuse to live with her? A No, I think not.
 Q How long did your niece stay on this visit?
 A She stayed about thirty hours at my house, and the old woman made it so hot for her that she went down and stayed with her mother.
 Q How old is she? A Two years younger than I am.

MR. HASTINGS: Was your niece at your house that night that the woman was crying? A Yes sir.

Q How long did she stay there afterwards?

A She left the next morning. She got me to go down and tell my brother to come for her.

Q What was the occasion for any trouble between you and your wife afterward?

A I don't know about that, only that she was continually on the warpath.

Q She stayed two or three days after that? A Yes sir.

Q Your niece was gone?

A Yes sir, she stood there and slept on the floor, as I told you.

Q You were notified that testimony would be taken in your case on a certain day? A Yes sir.

Q You didn't see fit to come to court that day, when you could be confronted with that witness? A I was sick.

Q In bed? A Yes sir, in bed.

Q I want it to go in the record that you were notified and did not come here to confront them. A I was sick.

Q You know it is another matter to come here subsequently, when they are not here. Have you ever made any effort to get those people who signed your application for a license come here and testify?

A Never thought of such a thing. I spoke to Bill Brewer, but he is mad at me and would not come.

MR. THOMPSON: You got out a subpoena for Bill Brewer and had it served on him? A Yes sir, him and his wife both.

MR. HASTINGS: Is there any divorce suit between your last wife and you pending? A No sir.

MR. THOMPSON: You say the reason that you were not here at that time was that you were sick in bed and could not get there?

A Yes sir, sick in bed and could not get here.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is now deemed completed, and will be reported to the Commission for final decision based upon the evidences now of record.

The attorney for the applicant requests and will be granted twenty days in which to file brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 27, 1902.

In the matter of the application of Martin V. Beedle for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Martin V. Beedle.
Q How old are you at this time? A I am sixty-two.
Q What is your postoffice address? A Wagoner.
Q You are an applicant for enrollment as an intermarried citizen of the Cherokee Nation are you? A Yes sir.
Q What is your wife's name? A Nora, my present wife.
Q She is living is she? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q When were you married to Nora? A A little over a year ago.
Q Had you been married prior to your marriage to her? A Yes sir.
Q How many times before? A Once.
Q What was your first wife's name? A Irene Childers.
Q When were you married to Irene Childers? A In '82.
Q You were married under a Cherokee license were you? A Yes sir.
Q You have already filed that with the Commission? A Yes sir.
Q Is your wife, Irene, living or dead? A Dead.
Q Did you and she live together from the time of your marriage up until the time of her death? A Yes sir.
Q How long has she been dead? A About two years and a half.
Q Since her death you have married again? A Yes sir.
Q And your present wife is a Cherokee? A Yes sir.
Q You and your wife, Irene, never separated during her life? A No sir.
Q You and your present wife are living together? A We aren't living together now.
Q When did you and your last wife separate? A A year ago.
Q What was the cause of that separation? A Well, we couldn't agree; I believe that was about the cause.
Q Where were you living when you separated? A Wagoner.
Q In the town of Wagoner? A Yes sir.
Q Did you leave her or she leave you? A She left me.
Q Where did she go? A She is still in Wagoner.
Q Did she go to some other house? A Yes sir, first went to Jackson's house.
Q Have you made any effort to get her to return to you since you were separated? A Well, I don't think I have - no.
Q Have you ever seen her to talk with her since you separated? A I have spoken to her on the street that is all.
Q Never talked to her about the separation? A No sir.
Q Have you lived in the Indian Territory all the time since your marriage to your wife, Irene Childers? A Yes sir, all the time.
Examination by Mr. Starr: How long have you been living in the Cherokee Nation? A Twenty years.
Q All the time? A No sir.
Q Where are you living now? A I am living in the Cherokee Nation on my farm.
Q How long have you been living there? A A little over a year.
Q Where did you live before that? A I lived at Wagoner.
Q How long did you live at Wagoner? A I wasn't there all the time of course. I was at the farm and in Wagoner.
Q Have you a home in Wagoner? A I have some property in Wagoner. I was living on the farm when I married this last woman. We lived together four or five months, then I went back on the farm.
Q You were living in Wagoner when you lived with her? A Yes sir.

2-Martin V. Beadle-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothberger

Subscribed and sworn to before me this 12th day of December, 1902.

B. A. Jones
Notary Public.

D 170

In the matter of
the application of
M. V. Buddle for
enrollment as a
citizen of the
Cherokee Nation

Brief of applicant

Wm P. Thompson
Atty for applicant

Wm Jackson
of Council

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Office NATION in a Judicial Inquiry
for lands and improvements
farmer where the issue of the

Nation (See certified copy of Supreme Court decision;) that applicant's wife drew her strip money in 1894 and appears on the roll of 1894 page 754, number 280 Rena Beedles, Illinois; that applicants appears on the roll of 1895, page ~~726~~³¹, number ~~333~~³¹ Martin V. Beedle, Illinois, and his wife appears on roll of 1896, page 845 number 308, Irene Beedle, Illinois; that his wife, Irene Beedle, died February 24th 1900; that after the death of his wife he as an adopted citizen, married another Cherokee woman who is on all the Cherokee rolls and has been enrolled by your Commission~~y~~ as a citizen; that his last wife left him without any just or reasonable cause on account of applicant's aged niece visiting them and her own statement shows that it was because of the unfounded jealousy on her part and the statement of applicant further shows this to be a fact.

Argument.

I respectfully submit that this applicant should be enrolled for the following reasons:

That he married a Cherokee woman after obtaining a petition and license from the Clerk of Illinois District and after he had complied with the Cherokee Law in every respect. She was a Cherokee woman for her full sister, Nan Brewer, was placed on the roll of 1880 as a Cherokee by blood and it is fair to infer that she would have been also but she was temporarily absent from the country working at a restaurant but had left all her belongings at her sister's, Nan Brewer's, in the Cherokee Nation. The Cherokee authorities recognized her as a citizen for we find M. R. Brown, clerk of Illinois District issuing a license to applicant in 1882 to marry Irene Childers, a Cherokee woman, on a petition signed by ten citizens of the Cherokee Nation by blood, asking him to issue a license to M. V. Beedle, a white man, to marry Irene Childers, a Cherokee woman, in accordance with section 660, Compiled Laws of the Cherokee Nation of 1892, which was the law at the time this license was obtained.

We find him maintaining a lawsuit as an adopted citizen of the Cherokee Nation, for a farm and improvements in the Cherokee Nation and the Cherokee Court only permitted suits and only had jurisdiction.

over cases between citizens of the Cherokee Nation. In this case the question of his citizenship was made a clear cut issue in the pleadings and both the circuit court, as the court of original jurisdiction, and the Supreme Court on appeal decided the issue of citizenship in favor of the applicant in this case; ^{by joint resolution of Council} We find the National Council by joint resolution declaring his wife and his wife's sister, Nan Brewer, citizens by blood of the Cherokee Nation. We find applicant and ~~his~~ his wife both on the rolls of 1896.

Hence I submit that the rights of this applicant to enrollment as a citizen of the Cherokee Nation by virtue of his marriage to Irene Childers is as clear a case of res adjudicata as could be presented to your Commission after being declared so by the official clerk of the district and judicially declared by the circuit and Supreme Courts of the Cherokee Nation and later on being declared by joint resolution of the National Council and their names appearing on the Cherokee Rolls of 1896, and appearing there regularly and without fraud, there is no argument against his enrollment that ought to prevail with your Commissioner.

Now as to his separation from his last wife, who is a Cherokee Woman and whom he married after he was an adopted citizen. the evidence in this case shows that she left him in a jealous rage because his niece, an old woman some sixty odd years old, visited them. She says there was no improper conduct between applicant and his niece that she could complain of; he says he never left her but that she left him and that he went to her and tried to get her to come back to him.

I submit that there is nothing in the conduct of applicant in this ~~last~~ separation from his ~~last~~ ^{last} wife to work a forfeiture of his citizenship acquired by his compliance with the Cherokee Law in his marriage to Irene Childers, his first wife. But if your Commission should take this matter seriously I desire to submit further that he did not acquire his citizenship by his marriage to his last wife. He acquired his citizenship in the Cherokee Nation by his marriage to Irene Childers, whom he married under Cherokee Law and whom he never abandoned but lived with her constantly until her death.

death. He was already a citizen when he married this last wife as much as she was and he acquired no new right to citizenship by his marriage to her. He could acquire no new right by his marriage to her for the reason that the National Council of the Cherokee Nation had repealed the Cherokee law by which white men could acquire citizenship on December 15th 1895 and hence he could not have married her under Cherokee law, and hence if he could not acquire citizenship by marriage with her he could not forfeit his citizenship by any act toward her since his status was not changed in any way by his last marriage. Having acquired his citizenship by and through his first wife and having never abandoned her but lived with her until her death, he could not forfeit his citizenship in but one possible way and that is by marrying some one who was not a Cherokee woman, but his last wife is a Cherokee woman, having citizenship by virtue of her Cherokee blood. In support of the above argument which I consider reasonable and conclusive on this phase of the case I desire to call your Commission's attention to section 667 Compiled Laws of the Cherokee Nation which reads as follows: Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation." From this you will clearly see that it refers to the first marriage by which applicant acquired citizenship which was in force at the time applicant acquired his right and which he ~~acquired~~ *acquired* with when he married Irene Childers, under license issued by L. E. Brown Clerk of Illinois District. But this act was repealed December 15 1895 during the life time of his first wife and over ~~three~~ *four* years before her death which occurred in February 1900 and over six years before he married his last wife and hence he could not have married the second time "under the provisions of this act," these being the identical words of Section 667 above referred for the provisions of this act had long before been repealed.

Therefore I submit this man is a citizen and ought to be enrolled, for the Clerk issued the license, the Circuit court and Supreme court declared him a citizen and after this the National

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 is a fair and honest man. The witness is a fair and honest man.
 mutilation of the records was exaggerated and that a close in-
 vestigation of the testimony reveals the fact the mutilation took
 place in a large place and that it was not for the purpose
 of tilting the record, but is explained by the fact that
 so often the clerk of a court in an inland district, away from
 a post-office or town, was compelled for present use to tear out
 some of the entries in a book, but none were which appeared
 any entries that had been made of record. For this reason ob-
 jection was made to the introduction of this testimony at the
 time, and fair warning was given to the counsel for a plaintiff
 that this sort of an objection would be raised, and if he wanted
 to ~~xxxxxxx~~ offset it in fairness to the Cherokee and to
 the Commission was did he not send and get the original record

and present it to the Commission for its inspection?

Upon no theory should this man be enrolled as a citizen of the Cherokee Nation: His first wife was not a Cherokee by blood; there is not one particle of testimony that ~~she~~ tends to show this in any respect; there is no testimony to conclusively show that this man was married to her in accordance to the Cherokee law except that of H. L. Brown, which is clearly shown to be erroneous. And third, if he ever did acquire any rights of citizenship by his first marriage he certainly forfeited the same by his separation from his second wife as stated by her in her testimony, and should not be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W. C. H. [Signature]
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martin V. Beedle for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 23, 1900, Martin V. Beedle appeared before the Commission at Fort Gibson, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Nowata, Indian Territory, on October 15, 1900, at Muskogee, Indian Territory on January 28, 1901, at Tahlequah, Indian Territory, on November 7, 1901, at Muskogee, Indian Territory on February 19, 1902, and also at Muskogee, Indian Territory on February 28, 1902, and on March 14, 1902.

The evidence shows that Martin V. Beedle was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on or about April 4, 1882, to one Irene Childers. Upon an examination of the Cherokee Census roll of 1896 applicant is described thereon as the husband of Irene Beedle. Irene Beedle is identified on the Strip payment roll of 1894 and the Cherokee Census roll of 1896. Her name is not found upon the authenticated tribal roll of 1880, but from an examination of that roll it appears that Nancy Brewer, a sister of Irene Childers, is identified thereon as a native Cherokee. There is in evidence a duly certified copy of a joint resolution of the Cherokee National Council and Senate passed May 2, 1894, providing that the names of Nancy Brewer and Irene Beedle be placed on the Census tribal roll as Cherokees by blood.

There is also in evidence in this case a certified copy of the decision of the Cherokee Supreme Court in the case of Martin V. Beedle vs. Joshua Carmon, in which decision the Court finds that the plaintiff is an adopted white citizen of the Cherokee Nation by virtue of intermarriage.

The Commission is of the opinion, from the evidence, that the applicant acquired rights of Cherokee citizenship by intermarriage with Irene Childers, and that he has not forfeited such rights under the Cherokee tribal laws.

The evidence further shows that the said Martin V. Beedle has resided in the Cherokee Nation since the date of his marriage, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Martin V. Beedle should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-

one of the Act of Congress approved June 28, 1898, (30 Stats., 493),
and it is so ordered.

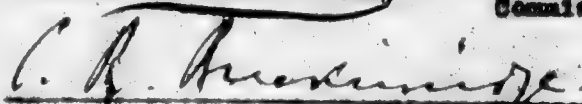
THE COMMISSION TO THE SEVEN CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

AUG 11 1902

this _____

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 26th 1902.

In the matter of the application of Martin V. Beadle, for enrollment
as a citizen by intermarriage of the Cherokee nation. D. 170

The Cherokee nation desires to protest against the decision of the
Commission in the above case on August 11, 1902 and respectfully asks that
the same be forwarded to the Honorable Secretary of the Interior for
review.

Attention is called to the brief filed by the Cherokee nation in
this case on April 8th 1902 and requests that the same or a copy thereof
be forwarded to the Honorable Secretary of the Interior and considered as
the reasons for the Cherokee nation protesting against the enrollment of
the applicant as a citizen by intermarriage of the Cherokee nation.

Respectfully submitted,

J. C. S.

W. W. Hastings
Attorney for the Cherokee nation. *JCS*

ATTORNEYS

W. W. HASTINGS

J. L. BAUGH

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

C. D. 170.

Reuben Tyner Esq.,

Muskogee, I. T. Feb 4th 1902.

Ramona, I. T..

Dear Sir: On October 15th 1900 you testified before the Commission to the Five Civilized Tribes at Nowata I. T. that Irene Childers who afterward married Martin V Beadle was a daughter of James Childers a white man and her mother was Katie Vann a white woman. You stated also that she is a first cousin of yours. This case will be set for February 19th and I would like to have one or two more witnesses who know the same facts that you do so as to be able to introduce them upon that date. Please write us if you know any one who knew her father and mother; knew them to be white, who we could get here to testify before the Commission to that fact.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

Muskogee, I. T., Feb. 7, 1902.

To the City Marshal,

Wagoner, I. T.

Dear Sir:

Enclosed find a subpoena which please serve on Nora Beedle, the wife of Martin V. Beedle for her appearance before the Dawes Commission at Muskogee, on February 19th, 1902. Please serve this and return it to us promptly with your bill for the same.

Yours truly,

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

Muskogee, I. T., Feb. 7, 1902.

Mr. William Jackson,

Wagoner, I. T.

Dear Sir:

Enclosed herewith find a notice to take testimony on the part of the Cherokee Nation in the case of Martin Beedle, February 19th, 1902, kindly accept service on the same by signing up one of the copies and return it to us promptly, and oblige.

Yours truly,

C D. 170

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

.....
Notary Public.

**Proof of Service made
and original filed with the
DAVES COMMISSION.**

FEB 11 1902

NOTICE!

IN THE MATTER OF the application of Martin V. Beedle
for enrollment as Cherokee citizens:

Case No. D 170

To Martin V. Beedle or William Jackson his attorney,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 19th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 7th day of February, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: 6 D. 170

Yi Muskogee, I. T., Feb. 20, 1902.

Mr. J. S. Rogers.

Skiatook, I. T.

Dear Sir:

The M. V. Beadles case was continued because of Your absence and that of Mr. Turner until the 28th of this month. We will be compelled to close the case at that time, and I am quite anxious to have You as well as Mr. Turner appear on that date. Enclosed find a subpoena for both of You. Please acknowledge receipt of same and advise us if You will be here at that time or not.

Yours very truly,

CRW

COMMISSIONER
HENRY L. DAVIS
TAMM HIGGINS
THOMAS B. HIGGINS
C. R. BEE KIRKING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee D 170.

ALLISON L. AYENSWORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Martin V. Beedle for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, in granting the application of Martin V. Beedle. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 6.

100

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 170.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

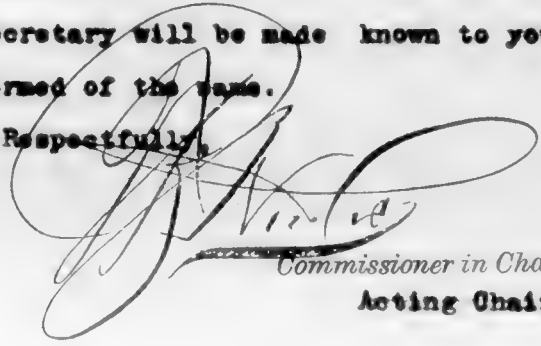
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 11, 1902, granting the application of Martin V. Beedle for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, a copy of which decision was furnished you on August 12, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge
Acting Chairman.

Land
76077-1902.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Martin V. Beedle for enrollment as a citizen of the Cherokee Nation.

On August 11, 1902, the Commission rendered a decision in this case finding from the evidence that Martin Beedle was lawfully married under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation, on or about April 4, 1882, to one Irene Childers; that on the Cherokee Census roll of 1896, the applicant is described thereon as the husband of Irene Beedle; that the said Irene Beedle is identified of the Strip payment roll of 1894, and the Cherokee Census roll of 1896; that her name is not found upon the authenticated tribal roll of 1880, but from an examination of that roll, it appears that Nancy Brewer, the sister of

Irene Childers, is identified thereon as a native Cherokee; that there is in evidence a duly certified copy of a joint resolution of the Cherokee National Council and Senate, passed May 2, 1894, providing that the names of Nancy Brewer and Irene Beedle be placed on the census tribal roll as Cherokees by blood; that there is in evidence a certified copy of the decision of the Cherokee supreme court in the case of Martin V. Beedle v. Joshua Carmon, in which decision the court finds that the plaintiff is an adopted white citizen of the Cherokee Nation by virtue of intermarriage; that the said Martin V. Beedle has resided in the Cherokee Nation since the date of his marriage, and was a resident of said nation at the date of his application herein. From these facts, the Commission further finds that the said Martin V. Beedle should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat. 485), to which decision of the Commission the Cherokee Nation protests, and calls attention to the brief filed herein by said nation on April 8, 1902.

The office has examined this brief and finds that the nation raises the question of citizenship as to the applicant's first wife, the desertion by reason of ill treatment, of his second wife, and contends that he should not be admitted as a citizen of the Cherokee Nation. The

evidence in the case does not seem to support the said protest of the nation, and the office considers that the finding of facts, as set forth in the decision of the Commission is in conformity to the evidence herein. It also appears that the records of the Creek Nation are against its contention in this case, and that the applicant is clearly entitled, under the law, to be enrolled as a citizen of the Cherokee Nation. It is therefore respectfully recommended that the decision of the Commission herein be approved and affirmed by the Department.

Very respectfully,

(Signed) A. C. Tonner,
Acting Commissioner.

W.C.B. H'r.

D.C. 52000-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 1382-1903.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the decision of the Commission to the Five Civilized Tribes of August 11, 1902, in favor of Martin V. Beedle, applicant for enrolment as a citizen by intermarriage of the Cherokee Nation, is reversed, and the application is rejected.

A copy of Indian Office letter of February 9, 1903 (Land 76077), submitting the report of the Commission of December 19, 1902, is inclosed. the papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 170.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 11, 1902, granting the application for the enrollment of Martin V. Beedle as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-14.
S.W.

3

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. V. Beedie,
Kager, Indian Territory.

Received of the Commission
mission rendered

Nation

Cherokee No.

tribes, one copy of the decision of the Com-
mission of the application of
Attachment as citation of the Cherokee

Attorney for Cherokee Nation.

TO THE PUBLIC.
Having separated from my wife
for and date given under my hand this
6th day of July 1901.
M. V. Beedie

DEPARTMENT OF THE INTERIOR.
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

TO THE PUBLIC,
Having separated from my wife
Xora Beedle I will not be responsible
for and debts contracted by her from
this date given under my hand this
10th day of July 1901.

M. V. BEEDLE.

✓
CHEROKEE.

D 170

Martin V. Biddle.

OCT 11 1907

Received by the Cherokee Nation
from the U.S. Department of the Interior

E. B. Biddle

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 171

Cher D 171

2 171

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900

[Signature]

ACTING CHAIRMAN

1-100000. 100000

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE CHIEF CIVILIZED TRIBES,
ROCK GIBSON, I. T., AUGUST 23, 1900.

In the matter of the application of Clement George Clarke, his wife and two children, for enrollment as citizens of the Cherokee Nation, he being duly sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Clement George Clarke.
Q How old are you. A 31.
Q What is your home office? A Plainville, Connecticut.
Q What is your district? A Cooweescoowee.
Q For whom do you apply for enrollment? A Myself, wife and two children.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q Intermarriage? A Yes, sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes, sir.
Q What is your wife's name? A Martha Cobb Clarke.
Q How old is she? A 36.
Q What was her name before you married her? A Mattie Cobb.
Q That was her maiden name, was it? A Yes, sir.
Q When did you marry her? A June 11, 1891.
Q Is she on the roll of 1890? A I think so.
Q Is she a native born Cherokee; was she born in the Cherokee Nation? A She was born in Tennessee.
Q How long has she lived in the Cherokee Nation? A About 30 years.
Q Has she been making this her home continuously for 30 years? A No, sir, not since we married, I have been in College the whole time. I have been at Yale.
Q What have you been doing at Yale? A I have been a student for nine years, but two of these years I was instructor at the University.
Q What is the name of your wife's father? A Joseph B. Cobb.
Q Is he a Cherokee or white man? A White man.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A Four years.
Q What is the name of her mother? A Evaline Cobb.
Q Is she a Cherokee or white woman? A Cherokee.
Q Is she dead or alive? A Living.
Q Did you or your wife ever apply to the Texas Commission for enrollment as Cherokee citizens? A Nothing aside from that regular enrollment in 1896.
Q Did you apply in 1896 for enrollment, or admission to the Cherokees? A I have no recollection of it.
Q Has your wife property in the Cherokee Nation? A Yes, sir.
Q How long has she had property in the Cherokee Nation? A She had property before she was married, and had her farm before she was married and it has been kept up to this time.
Q What kind of studying have you been carrying on at the College? A Theology.
Q Have you a marriage license? A Yes, sir, but I have not it with me.
Q You were married according to Cherokee law? A Yes, sir.
Q Can you procure a copy of the marriage license and certificate? A Yes, sir.
Q Is your wife considered the Cherokee Nation as her actual home ever since you were married? A Yes, sir.
Q She has considered that her absence was temporary in this character? A Yes, sir.
Q Have you looked upon it as your home? A I desire to answer it in this way: In going through College, we have always thought that the territory was our home. Now, that I have graduated, I have taken charge of a church and our residence

Clement G. Clarke---2.

will be in Connecticut, for the time being, but in connection with my clerical duties. All this time we are maintaining a farm and keeping it up, and in case of any incapacity, will come back here. We have always thought that the territory was our home.

Q Have you lived outside of the Cherokee Nation since your marriage? A I have. I have lived in Connecticut.

Q Give me the names of your children, please? A Helen E.

Q How old is she? A She is 5 1/2.

Q The next child? A Anna Cobb.

Q How old is that child? A 2 1/2.

Q You have some personal testimony here, whom know of your marriage? A Yes, sir.

MR. JOSEPH B. COBB, being duly sworn by Commissioner W. D. Breckinridge, testified as follows:

Q What is your full name? A Joseph B. Cobb.

Q How old are you Mr. Cobb? A 37.

Q What is your post office? A Wagoner.

Q Are you a brother-in-law to this gentleman here, Mr. Clarke? A Yes, sir.

Q When was he married to your sister? A I think in 1891.

Q You know that he married your sister in 1891? A Yes, sir.

Q Have they lived together as husband and wife since that time? A Yes, sir.

Q And are at this time? A Yes, sir.

1880 enrollment; page 85, #659, Mattie Cobb, Cooweescoowee.
1894 enrollment; page 147, #691, Mattie Clarke, "
1896 enrollment; page 125, #724, Mattie Cobb Clarke, "
1896 enrollment; page 293, #163, Clement G. Clarke, "
1896 enrollment; page 125, #725, Ellen Isabel Clark, "

Confr Breckinridge:

The applicant is identified on the roll of 1896 as an intermarried Cherokee. He states that he married his Cherokee wife in 1891, but is unable at this time to produce his marriage license and certificate. He has explained in the testimony that he has made his home at Yale College in the State of Connecticut primarily for the purpose of conducting studies in Theology and that since the close of his studies he has charge of a church in Connecticut, and that while in a sense he considers himself a citizen of the Cherokee Nation, that he exercises the right to vote in the State of Connecticut; but in view of the first consideration and also in view of the absence at this time of his marriage license and certificate, his application will be placed upon a doubtful card, and he is desired to supply the commission with a duly authenticated copy of the original of his Cherokee marriage license and certificate, then his whole case will be considered and the final result will be communicated to him.

His wife is identified on the rolls of 1880, 1894 and 1896, and their child Helen E. Clarke is identified on the roll of 1896.

For the consideration, by the full Commission, of this application, the names of his wife and three children will, at present, be placed upon a doubtful card.

The applicant is desired to furnish a certificate of birth of the youngest child, Anna Cobb Clarke, who is too young to be upon any of the rolls of the Cherokee Nation. When the Commission is supplied with a duly authenticated certificate of this child's birth, then it also will be listed upon

Clement G. Clarke---3.

the doubtful card. The final consideration will be communicated to the applicant at his post office address, and whether favorable or unfavorable, will be communicated to the Secretary of the Interior, and his approval will be final in the premises.

I, John O. Rossen, as Stenographer to the Commission to the Five Civilized Tribes, say that I reported the testimony of the above named witness in full, and that the foregoing is a full, true and correct transcript of the notes.

John O. Rossen

Subscribed and sworn to before me, this 14 day of August, 1900.

Chas. H. ...

Commissioner.

5171

RECEIVED
MAR 25 1900

ACTING CH

SUPPLEMENTAL TESTIMONY.

D.#171.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Clement G. Clarke et al. as citizens of the Cherokee Nation, D.#171:

JOSEPH B. COBB, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Joseph B. Cobb.
Q How old are you? A I am 38.
Q What is your post office? A Wagoner.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A About 31 years.
Q You want to give some testimony, Mr. Cobb, in the application of Clement G. Clarke, do you? A Yes, sir.
Q Are you related to him? A His wife is a sister to me.
Q How old is this Clement G. Clarke? A I don't know.
Q About how old is he? A He is about 28 or 30.
Q What is his post office? A Plainville, Connecticut.
Q What is he doing up there? A He is a Preacher and has charge of a church.
Q Mr. Clarke is a white man is he? A Yes, sir.
Q Claims to be an intermarried citizen? A Yes, sir.
Q His wife is a Cherokee by blood? A Yes, sir.
Q What testimony do you want to give about it? A Why he has ever since they have married, they have not lived in the Territory, they have a farm here and have had it here all the time and have stock here and have had stock here all the time.
Q He is in Connecticut? A Preaching? A Yes, sir. He has been the last year, he has been going to school.
Q Does not he consider himself a citizen of Connecticut? A I suppose he does.
Q He votes up there? A Yes, sir.
Q It appears that he had thrown off his allegiance to citizenship as a Cherokee and had become a citizen of Connecticut; do you know that he has property interests down here, stock, household goods and a farm? A I don't know that he has any household goods, he has a farm, horses and cattle and has got part of their support from them.

BY J. L. BAUGH, Cherokee Representative:

Q Mr. Cobb, in the statement that your brother-in-law made that he gives some names of children, were these children born in the Cherokee Nation? A No, sir.
Q Born in Connecticut? A Born in Connecticut, New Haven.

Com'r Breckinridge:--This will be filed as additional testimony in the case of Clement G. Clarke et al, case D. 171.

---oooOooOooo---

Supl.-D.#171.

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rosson

Subscribed and sworn to before me this 23d day of March, 1901.



Commissioner.

State Treasurer of the Republic of the Philippines

Office of the State Treasurer
Department of Finance
Manila

RECEIVED

1900

"R"

Cherokee D 171

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of CLEMENT G. CLARK for the enrollment of himself and wife and children as Cherokee citizens.

Appearances:

Applicants represented by JOSEPH B. COBB & S.S. COBB,
brothers of the applicant's wife.
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION, of Representatives of applicants:

Is there any statement you desire to make in regard to this application?

JOSEPH B. COBB: No, I know they have not forfeited their citizenship.

You submit this case then to the Commission, in behalf of Clement G. Clark and his wife and children for final consideration?

JOSEPH B. COBB: Yes, sir.

S.S. COBB: Yes, sir.

Do you submit Mr. Hastings:

MR. HASTINGS: Yes sir.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 20, 1902.



Commissioner.

Cherokee D-171.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 26, 1902.

In the matter of the application of Clement G. Clarke for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Martha C. and children Helen I. and Dana C., as citizens by blood of the Cherokee Nation.

Samuel S. Cobb, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Samuel S. Cobb.
- Q What is your postoffice? A Wagoner.
- Q Age? A 36.
- Q Are you acquainted with Clement G. Clarke the applicant in this case? A Yes sir.
- Q How long have you known Mr. Clarke? A Since '86.
- Q Are you acquainted with his wife, Martha C.? A Yes sir.
- Q What relation is his wife to you? A A sister.
- Q Do you know when Clement G. and his wife were married? A In '91.
- Q Had he ever been married prior to his marriage to his present wife, Martha C.? A No sir.
- Q Had she ever been married prior to her marriage to him? A No sir.
- Q He has never married any other woman since his marriage to your sister, Martha C.? A No sir.
- Q Are they living together at this time? A They live in Plainville, Connecticut. We get a letter from them right along. I haven't seen them for years, but we get letters from them.
- Q They never have been separated? A No sir.
- Q You correspond with them you say? A My mother and sister get letters from them on an average of once a week.
- Q And so far as these letters indicate they lived together on the first day of September, 1902, were they? A Yes sir.
- Q You couldn't swear that these children were all alive on the first day of September? A No, except we would have heard of it.
- Q Have you heard from Clement G. Clarke since the first day of September, 1902? A Yes sir.
- Q He was alive on the first day of this month? A Yes sir.
- Q Also his wife and children? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 11th day of October, 1902.


Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wagoner, I. T., October 3, 1902.

In the matter of the application of Clement G. Clarke for the enrollment of himself as a citizen by intermarriage, and of the enrollment of his wife, Martha C., and children Helen I. and Dana C. Clarke, as citizens by blood of the Cherokee Nation.

Sam Powell, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Sam Powell.
Q What is your age? A My age is 52 years old.
Q Where do you live? A At Wagoner, Indian Territory.
Q Are you acquainted with Clement G. Clarke who is an applicant for enrollment as an intermarried citizen? A Yes sir.
Q Do you know his wife, Martha C.? A Yes sir.
Q What was her maiden name? A Cobb.
Q How long have you known Martha C. Clarke? A Since the fall of '85.
Q Where has she lived since you have known her? A She lived until somewhere in the '90s, I don't remember what year it was she went away, in the Cherokee Nation, southeast of Wagoner.
Q She lived here then all the time from '85 in the Cherokee Nation up until the time she married? A Up until the time she married, yes sir.
Q After she married, Mr. Clarke left the territory? A Yes sir, they left the territory and occasionally come back every summer I believe.
Q Since her marriage to Mr. Clarke she hasn't been in the territory except on visits is that so? A You might call it visits, I suppose that is all.
Q She never kept house or lived here, she and Mr. Clarke? A Not that I am aware of.
Q She is a citizen by blood of the Cherokee Nation? A Yes sir.
Q You remember about what time she and Mr. Clarke were married? A No sir, I don't know what year it was they were married; it is about '91.
Q Well now since 1891 she nor Mr. Clarke have kept house or been in the territory for any great length of time? A No sir.
Q Has she maintained her property rights in the Cherokee Nation? A Yes sir, her farm and her cattle and her horses and everything in that nature, she always kept them here.
Q Does she own any personal property here in the Cherokee Nation at this time? A She owns both cattle and horses in the Cherokee Nation at this time.

Examination by applicant's brother, Mr. Cobb: She never moved any of her horses, cattle or anything out of the Cherokee Nation? A No sir.

- Q Has she a house and lot in Wagoner? A Yes sir.
Q She invests as far as you know all her income on her farm here? A Yes sir, as far as I know.
Q About how many cattle has she on her farm? A I couldn't say; they generally have from forty or fifty, somewhere along there.
Q What size farm have they? A About three hundred acres farm there with an orchard and something over one hundred acres in cultivation, in wheat and corn and cotton, and two houses I think are on the place.

Samuel S. Cobb, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Samuel S. Cobb.
Q Where do you live, Mr. Cobb? A Wagoner, I. T.
Q What is your age? A 36.

2-Clement G. Clarke et al.

Q Are you acquainted with Martha G. Clarke and her husband, Clement G. Clarke? A Yes sir.

Q How long has Martha G. Clarke lived in the Cherokee Nation? A Since 1870.

Q She lived here from the time she was born up until her marriage in 1897, isn't she? A Yes sir.

Q Since her marriage to Mr. Clarke she has never kept house or actually lived in the Cherokee Nation? A Except in the summer vacations when they were home from school.

Q They are not attending school now? A No sir.

Q They haven't been for some years? A For two years. He was at the college as instructor for two years and was taking a post-graduate course at that time.

Q During the time he was taking his post-graduate course he was following his calling as a minister wasn't he? A No sir, he was instructor at Yale.

Q How long has he been a preacher? A He has been preaching — preached one sermon before he came out here to enroll.

Q What was he doing from the time of his marriage until 1900? A He was going to school until 1898. He was instructor at Yale for two years, and then in 1900 he applied for enrollment, and at that time he was appointed preacher at Plainville, Connecticut.

Q And is living there ever since? A Yes sir.

Q How old is Mr. Clarke? A I think about 32 or 3 years old.

Q He was about 21 when he and your sister were married? A That was eleven years ago; yes, about that.

Q Well now since your sister married Mr. Clarke, have they maintained their property rights in the Cherokee Nation? A Yes sir.

Q Still have property in the nation? A Yes sir.

Q Personal property? A She has.

Q What does it consist of? A About fifty or sixty head of cattle and has had ten or fifteen head of horses.

Q Anything else? A A farm, of about three hundred acres, over one hundred acres of which is tilled, and an orchard of apples and peaches bearing about six or eight acres, two sets of farm houses and a house and lot on one of the main streets of Wagoner.

Q Since she went away in '91 she never has kept house in the Cherokee Nation or Indian Territory? A No sir.

Q Never made her home here a day since she married? A She calls it home all the time; she comes home.

Q She hasn't spent any time here? A She has never kept house in the territory.

Q Any other statement you wish to make? A I might say she has never taken any property out of the territory; that the household goods she had she didn't remove from the territory, she brought them back; she invests her money, when surplus she has, in the territory and has never had any thought of giving up her citizenship in the Cherokee Nation, which would be shown I think by the fact she secured a Cherokee marriage license; of course that is already in evidence.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 28th day of October, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-171.

In the matter of the application of Clement G. Clarke for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha C. Clarke, and his minor children, Helen I. and Dana C. Clarke, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 23, 1900, Clement G. Clarke appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha C., and his minor children, Helen I. and Dana C. Clarke, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 21, 1901, on February 19, 1902, on September 26, 1902, and on October 3, 1902.

The evidence shows that the said Clement G. Clarke was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 11, 1891, to Martha Cobb, a citizen by blood of the Cherokee Nation, whose name appears upon the Authenticated Tribal Roll of 1890. Helen I. and Dana C. Clarke are the issue of that marriage. Clement G. Clarke, his wife and oldest child are identified on the Cherokee Census Roll of 1896, and Martha C. Clarke is also identified on the Strip Payment Roll of 1894. Dana C. Clarke is duly identified by an affidavit of birth, made a part of the record herein.

The evidence further shows that immediately after their marriage the said Clement G. Clarke and his wife removed to the State of Connecticut, and have been residing in that State ever since, and that the said Clement G. Clarke has exercised rights of citizenship in the said State of Connecticut.

Paragraph nine, Section twenty-one, of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

It is, therefore, the opinion of this Commission that the applications for the enrollment of Clement G. Clarke as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Martha C. Clarke, Helen I. Clarke and Dana C. Clarke as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Kirby

Acting Chairman.

I. D. Needles

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

C. H. Brookings

Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 171.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

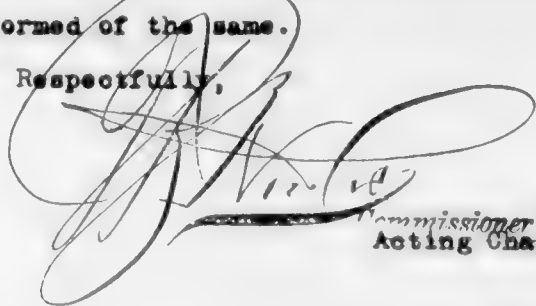
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Clement G. Clarke for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Martha C. Clarke, and his two minor children, Helen I. and Dana C. Clarke, as citizens by blood, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge,
Acting Chairman.

Register.

Enclosure H. No. 381.

COMMISSIONERS

TAMM BIXBY,
THOMAS NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE IN REPLY TO THE FOLLOWING

Cherokee D-171

Muskogee, Indian Territory, April 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Clement G. Clarke for the enrollment of himself as a citizen by inter-marriage, and for the enrollment of his wife, Martha C. Clarke, and his two minor children, Helen I. and Dana C. Clarke, as citizens by blood of the Cherokee Nation, was, on March 17, 1903, affirmed by the Secretary of the Interior as to himself, and reversed as to his wife and children, the Commission being ordered to enroll his said wife and children as citizens by blood of the Cherokee Nation.

Respectfully,



Commissioner in Charge

Chairman

171

IN THE MATTER OF THE APPLICATION OF

Clement G. Clarke, Sr.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A Original testimony August 28, 1900
- B Memo of application " 29, 1900
- C Birth affidavit - Dana C. Clarke
- D Letter relative to reconsideration of case
- E Marriage License and certificate
- F Affidavit of attending physician at birth of Dana C. Clarke
- G ~~Supplemental testimony~~ 3/21/01

Notice of final consideration
Order denying testimony of above

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10/10/02

Revised

Cher D 172

Cher D 172

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DEPARTMENT OF THE INTERIOR
MISSION TO THE CIVILIZED TRIBES

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I have been thinking about you very much lately,
and wondering how you are getting along.
I hope you are well and happy.
I am still here, working hard as usual.
The weather is quite nice today.
I will write again soon.

Your friend,
John Doe

100-443887-100

1. The first part of the report is a general introduction to the project, which includes a brief history of the project and a statement of the project's purpose.

100-443887-100

1. What is the name of the person who is the subject of this document?

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

[illegible][illegible]

Q. Now, you said that you had been told by the person who was
A. Yes.

1. The first group of people who are not allowed to enter the country are those who are on the "No Fly List". This list is maintained by the Federal Bureau of Investigation (FBI) and the Department of Homeland Security. It includes individuals who are suspected of being involved in terrorism or other activities that could threaten the national security.

THE UNIVERSITY OF CHICAGO PRESS

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Q How old is he? A Four.
Q Is he on the census roll of 1896? A I think he is.
Q These children are all living now, are they and living with you and your wife? A Yes sir.

(Applicant's wife identified on the roll of 1880, Page 571, #1466, Fannie Rona, Illinois District)

(Applicant identified on the roll of 1896, Page 931, #109, Herbert Kneeland, Illinois District)

(Applicant's wife identified on the roll of 1896, Page 273, #1019 Fannie Kneeland, Illinois District)

Identification of applicant's children:

(1896 Roll, Page 873, #1020, Harry Kneeland, Illinois District)

(1896 Roll, Page 873, #1021, Louis G. Kneeland, Illinois District)

(1896 Roll, Page 873, #1022, Herbert Kneeland, Illinois District)

The applicant is identified on the roll of 1896, and the official copy, filed herewith, shows that he is recorded in Tahlequah District, in the Marriage Book of Records, as having been married in accordance with Cherokee law, to a Cherokee citizen. He states that the marriage license itself was sent to the Clerk to be recorded, and never returned to him. In order to further consider the efficiency of the evidence as presented by this case, decision in his application will for the present be suspended, and his application will be placed on a "White Card".

In the application for his wife, she is duly identified on the rolls of 1880 and 1896, and their children, Harry R., Louis G. and Herbert Kneeland are identified on the roll of 1896; so, the applicant's wife, Fannie R. Kneeland, and these three children will now be listed for enrollment as Cherokees by blood.

The undersigned, being first sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Graham

Subscribed and sworn to before
me this 1st day of September, 1900.

C. A. Smith

COMMISSIONER.

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Co

TO THE FIVE CIVIL TRIBES.
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MAN

S U P P L E M E N T A L T E S T I M O N Y

"D" #172

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 28th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Herbert Kneeland for enrollment as a citizen of the Cherokee nation:

DAVID N. ALLEN, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David N. Allen.
Q What is your age? A 60.
Q Your post office address? A Tahlequah.
Q Are you a Minister of the Gospel? A Yes, sir.
Q Do you know Herbert Kneeland? A Yes, sir.
Q Did you perform a marriage ceremony between him and his wife, Panny Ross? A I did.
Q When was it? A I do not remember the date exactly.
Q Do you know whether they had a regular authenticated license? Yes, sir, they had a regular license.
Q You are positive of that? A Yes, sir.
Q You saw it? A Yes, sir.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

- Q This certificate says that it was on December 30, 1889, do you think that was about the time? A Yes, sir.

Com'r Needles:--It appears from the testimony that the proof of marriage license being issued is satisfactory, and that the said Kneeland's name should be removed from a white to a straight card.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 28th day of November, 1900.



Commissioner.

CC 5

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Herbert Kneeland for the enrollment of himself as a citizen of the Cherokee Nation, D-172.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

COMMISSION: Is there any statement you desire to make relative to your application before this Commission for enrollment as a citizen of the Cherokee Nation? A I have done all I could to get the original license or record of it; I have heard that the record or some of it was destroyed by fire up there, and been told that some of Mr. Allen Ross's books were burned in Johnson Thompson's store. Mr. Ross is dead, and of course I couldn't get a copy from him.

Q You submit this case then to the Commission for final consideration, do you? A Yes, sir.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger

Subscribed and sworn to before me this 20th day of February, 1902.

[Signature]
[Signature]

115

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Herbert Kneeland for enrollment as a Cherokee citizen.

On the 23rd day of August, 1900, Herbert Kneeland appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation.

Other parties were included in this application, but as they were differently classified by the examiner in the field they are not embraced in this decision.

At the conclusion of the evidence the name of Herbert Kneeland was placed upon a "Doubtful" card.

On the 19th day of February, 1902, applicant appeared before the Commission and submitted the case for final consideration.

It appears from the evidence that Herbert Kneeland bases his right to enrollment upon intermarriage with Fannie M. Ross, a citizen by blood of the Cherokee Nation, on the 30th day of December, 1889.

In support of his application he presents a certified copy of the following entry on the marriage records of Tahlequah District, Cherokee Nation; "Married at Fort Gibson, Indian Territory, Mr. Herbert Kneeland, a white man and citizen of the United States and Fannie M. Ross, a Cherokee; ceremony performed by D.N. Allen, Minister of the Gospel."

D. N. Allen, a witness on behalf of applicant testifies that he is a Minister of the Gospel and that as such he performed the marriage ceremony between Herbert Kneeland and Fannie M. Ross. He does not remember the exact date of the ceremony, but he is positive that the applicant had a regular marriage license.

The fact that Herbert Kneeland is identified on the Cherokee Census roll of 1896, is considered, in connection with the other facts shown to satisfactorily establish the marriage of this applicant in accordance with the provisions of the Cherokee law.

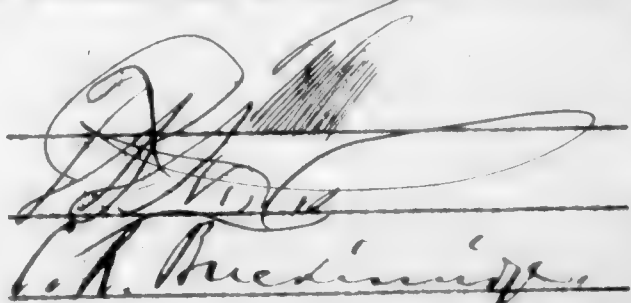
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Applicant's wife is identified on the authenticated tribal roll of 1880, and they have lived together in the Cherokee Nation ever since the date of said marriage. As above stated the applicant is identified on the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is directed by the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enroll; "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N.

It is the opinion of this Commission that under the facts in this case and the law herein cited that Herbert Kneeland is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.

A large, stylized handwritten signature, likely of the Commissioner, is written over two horizontal lines. The signature appears to read "L. A. McDaniel".

Commissioners.

Dated at Muskogee, Indian Territory,

APR 23 1902

COMMISSIONERS
HARRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRICKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-172

AGENTS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Herbert Kneeland, No. D-172, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Herbert Kneeland as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-172

IN THE MATTER OF THE APPLICATION OF

Herbert Kneeland

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- O Original testimony. August 23, 1900
- G Mem^o of application. " 23, 1900
- P Certified copy of record entry relative to marriage
- L Letter from J. T. Parks " " "
- E Supplemental testimony. November 28, 1900

Notice of final consideration
 Supplemental testimony and order
 closing testimony - 2/19/02

See Cherokee Sac. Rec. 1007
 Enrolled

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 23rd, 1900.

IN THE MATTER OF THE APPLICATION OF Nannie Stanley for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A Nannie Stanley.
Q What is your age? A Eighteen.
Q What is your Postoffice? A Ft. Gibson.
Q What is your District? A Tahlequah.
Q For whom do you apply for enrollment? A Just myself.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived in Tahlequah District? A Born and raised here.
Q And stayed there all the time? A Yes sir.
Q What is your father's name? A Pettitt.
Q His full name? A William Pettitt.
Q Is he Cherokee or white? A Cherokee.
Q Living or dead? A Dead.
Q How long has he been dead? A Six years.
Q Your mother; what is her name? A Neal now; Emaline Pettitt was her name.
Q Is she a Cherokee? A No sir.
Q White woman? A Yes sir.
Q Is she dead or living? A She is alive.
Q Your maiden name was Pettitt? A Yes sir.
Q When were you married? A Last February.
Q Have you a certificate of marriage? A I have at home.
Q Have you some one here who knows you are married? A Yes sir; Mr. Neal.
Q Your ~~mother~~ ~~mother~~ ~~mother~~ mother was known as Emaline Pettitt in 1880? A Yes sir.

Dunkin Neal, being called and sworn, testified as follows:

- Q What is your full name? A Dunkin Neal.
Q How old are you? A Fifty nine years old.
Q What is your Postoffice? A Ft. Gibson.
Q Do you know this lady here, Mrs. Stanley? A Yes sir.
Q What was her name before she married? A Pettitt.
Q Her given name? A Nannie Pettitt.
Q Is she the daughter of Emaline Pettitt; that was? A Yes sir.

Applicant recalled:

- Q Are you the oldest child? A Yes sir.
Q Was your mother married to your father in 1880? A She was married in 1880, I think.
Q You are only eighteen years old? A Yes sir; they were married two years before I was born.
(Applicant's father identified on the roll of 1880, Page 792, 18667, William Pettitt Sr., Tahlequah District)
Q How old was your father when he died? A Sixty two.
Q Who here knows that your mother was married to your father?
A Mr. Sanders.

Mr. George O. Sanders, being called and sworn, testified as follows:

- Q What is your full name? A George O. Sanders.
Q What is your age? A Sixty two.
Q What is your Postoffice? A Ft. Gibson.
Q How long have you lived in the Cherokee Nation? A Sixty years; about sixty one years.
Q Do you know this lady here, Mrs. Nannie Stanley? A Yes sir; I am acquainted with the lady.
Q She was Pettitt, was she, before she married? A Yes sir.
Q Do you know her mother, who was known before her last marriage as Emaline Pettitt? A Yes sir.
Q Her husband, Pettitt, died some years ago, did he? A I think about that time; somewhere along about six years ago.

Q How old do you take Mrs. Stanley here to be; have you known her all her life? A I have known her since she was a little girl.
Q Do you know anything about a marriage between her father and mother? A Yes sir; I was District Judge of Illinois District, and performed the ceremony between the father and mother of this girl; I think some time after the girl was born.
Q You think the marriage ceremony may have been performed after this child was born? A Yes sir; that is my impression.
Q Had he been living with his wife before that as her husband?
A Yes sir, but there had been no marriage ceremony.
Q They had been living together though as husband and wife?
A Yes sir.
Q About how long before you married them? A Probably two years.
Q Do you understand this woman to be the child of that union that they had made by taking up: Was this child born to them after they had ~~been~~ begun living together as husband and wife? A I think so; as far as my understanding is.
Q Before her birth, they had been holding themselves out as husband and wife? A Yes sir; he recognized her as his wife.
Q She is the child of that woman, by that man Pettitt? A Yes sir.
Q And born in that kind of a union? A Yes sir.
Q Were they living before the community as man and wife?
A Yes sir.
Q She was recognized by them, as their child, was she? A Yes sir.

Applicant recalled:

(Applicant identified on the roll of 1896, Page 1221, #2464, as Nannie Pettit, Tahlequah District)
(1894 Roll, Page 1118, #2288, Nannie Pettit, Tahlequah District)
(Applicant's mother identified on the roll of 1896, Page 1287, #208 Emline Pettit, Tahlequah District) (Identified as an intermarried Cherokee)
Q Now Mrs. Stanley, did your father and mother live together from your earliest recollection down to the time that your father died?
A Yes sir.
Q They never separated until separated by death? A No sir.
Q And lived all the time in the Cherokee Nation, did they?
A Yes sir.

This applicant is identified on the rolls of 1894 and 1896; her change of name is accounted for in a satisfactory manner by her recent marriage, which is established by personal testimony. Her deceased father is identified on the roll of 1860; he has been dead now some six years. Her mother is not identified on that roll, and as the applicant gives her age as eighteen years, she may not have been identified with him as his wife in 1860. The question is raised by the Representatives of the Cherokee Nation as to the date and character of the marriage between the mother of the applicant, and the father of the applicant. Personal testimony is given of the official recognition of them, and statement is made by her that they had lived together as husband and wife for several years prior to the formal marriage, which he contracted between them, and that they always claimed this woman as their child born of that union. In order to enable the Cherokee Commissioners to make such enquiries as they desire, this application will at present be placed on a doubtful card, for further consideration, and the result will be finally made known to the applicant at her Postoffice address.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 1st day of September, 1900.

A. A. Craven

[Signature]
COMMISSIONER.

2 173.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 1 1901



ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y .

D #173.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for
enrollment as a citizen of the Cherokee Nation of Mennie Stanley:

Com'r Needles:-

Applicant desires to present a Will of William Pettit,
Sr., It will be filed with the testimony and papers on file.

---0000000000---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
r e c o r d e d the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.


Subscribed and sworn to before me this 31st day of January, 1901.



Commissioner.

43

18

EX. 10

11 1902

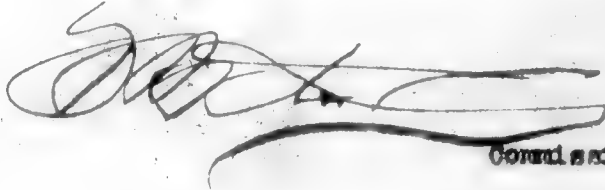
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D. 173.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Nannie Stanley for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 3, 1902, that her case would be taken up for final consideration by the Commission on the 19th instant, and that she could on said date appear and introduce any additional testimony affecting her case. She has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nannie Stanley for enrollment as a Cherokee citizen.

On the 23rd day of April, 1900, Nannie Stanley appeared before the Commission to the Five Civilized Tribes and made application for her enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence she was placed upon a "Doubtful" card.

Further evidence has been submitted to the Commission and the same made part of this record.

From all the evidence of record in this case it appears that *is on the rolls of 1894 or 1896* the applicant is the daughter of William Pettit, a Cherokee Indian, identified on the authenticated tribal roll of 1880 and Emaline Pettit, a white woman.

It appears that the parents of this applicant had been living together as husband and wife, but were not legally married until after the birth of this applicant.

George Q. Sanders, a witness on behalf of applicant testified that while he was District Judge of Illinois District, Cherokee Nation he performed the marriage ceremony between ^{the} father and mother of this applicant.

It further appears that the said William and Emaline Pettit lived together in the Cherokee Nation until the death of the husband, about 1894, and that this applicant was recognized by them as their child.

On the 30th day of January, 1901, there was filed with this Commission a copy of the last will and testament of William Pettit, in which he makes the following bequest:

"For and in consideration of the love and affection which I have for my daughter Nannie I give and bequeath to her one new and calf in addition to the cow that her grandmother gave her, also one brown mare called 'Dina', also the little 'Trunk' known as the 'Granny Ward Trunk'."

Section 692 "Laws of the Cherokee Nation" (1892) provides:

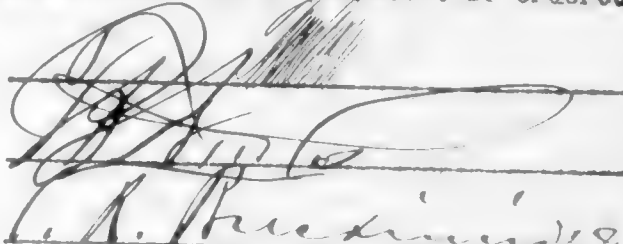
"That when a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proved to be his shall thereby be legitimate."

Section 21, paragraph 1, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N .

It is the opinion of this Commission that the applicant Hannie Stanley, under the facts and the Cherokee law herein quoted is the legitimate daughter of William Pettit, a citizen by blood of the Cherokee Nation and his wife Emaline Pettit, duly recognized by the said William Pettit as his child, and that under the provisions of the Act of Congress last cited she is entitled to enrollment as a citizen by blood of the Cherokee Nation. It is therefore so ordered.


L. A. McKinney,
Commissioners.

Dated at Muskogee, Indian Territory,

APR 23 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-173

TO BE KEPT ONLY BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Nannie Stanley No. D-173, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Nannie Stanley as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-173.

IN THE MATTER OF THE APPLICATION OF

Mamie Stanley

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A-Original testimony August 23, 1900

B-Memo of application " 23, 1900

C-Order to file will of applicant's father

D-will of applicant's father

Notice of final consideration

Order closing testimony, Feb. 19, 1902

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Cher D 174

D 174

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 4 1900

[Signature]
ATTEST

DEPARTMENT OF THE INTERIOR,
COMMISSION OF THE LAND CIVILIZED TRIBES,
ST. SIMON, I. T., AUGUST 23rd, 1900.

IN TESTIMONY OF THE APPLICANT OF Annie Milligan for the enrollment of her two children as of issue of the Cherokee Nation, and she being aided by a friend, C. E. Breckinridge, testified as follows:

Q What is your name? A Annie Milligan.
Q How old are you? A Forty.
Q What is your Postoffice? A Weathers Falls.
Q What is your District? A Canadian.
Q How long have you lived in the Cherokee Nation? A Two children.
Q Are you married? A No sir.
Q Not for yourself? A No sir.
Q Are there any children? A Yes sir.
Q How long have you been married? A Yes sir.
Q What is the name of the father of these children?
A John R. Hayfield.
Q He is a Cherokee by blood, is he? A Yes sir.
Q Is he dead? A No sir.
Q When were you married to him? A In 1883.
Q When did you cease to live with him? A About seven years ago.
Q Did you get a divorce? A Yes sir.
Q You were married in 1883, and got a divorce about 1893; seven years ago; how long did you live together? A A little over eight years.
Q Is he on the roll of 1880? A Yes sir; I think so.
Q He was born in the Cherokee Nation? A No sir, in Tennessee.
Q When did he come to the Cherokee Nation?
A About three years I think before we were married.
Q Do you know whether he was ever admitted to Cherokee citizenship by action of the Cherokee Council? A Yes sir.
Q He was? A Yes sir.
Q You have not the certificate of admission, have you? A No sir.
Q What is the name of his father? A Isaac Hayfield.
Q Is he a white man or an Indian? A He is a white man.
Q Is he living or dead? A He is living.
Q What is the name of your husband's mother? A Polly Hayfield.
Q Is she a Cherokee or white woman? A She is a Cherokee.
Q Is she living or dead? A She is living.
Q Give me the names of these children, please?
A The oldest one is Ella Hayfield.
Q How old is Ella? A She is thirteen.
Q Next child? A Noah Hayfield.
Q How old is he? A He is eleven.
Q Did your husband ever apply to the Dawes Commission for citizenship? A No sir.
Q Did you ever apply? A No sir.
Q Neither for yourself, nor children? A No sir, but they drew their strip money.
Q What District did your husband live in all the time? A Canadian.
(Applicant's husband identified on the roll of 1880, Page 784, #1454, J. R. Hayfield, Canadian District)
(1894 Roll, Page 802, #1205, John R. Hayfield, Illinois District)
(1894 Roll, Page 65, #1439, Ella Hayfield, Canadian District)
(1894 Roll, Nora Hayfield, Page 65, #1540, Canadian District)
(1900 Roll, Page 51, #1357, Ella Hayfield, Canadian District)
(1900 Roll, Page 51, #1358, Noah Hayfield, Canadian District)
Q Whom have you here that knew that you and your husband lived together as husband and wife? A My nephew.

Daniel Hildebrand, being called and sworn, testified as follows:
Q What is your full name? A Daniel Hildebrand.
Q What is your age? A Twenty one.
Q What is your Postoffice? A Weathers Falls.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Lived here all your life? A Yes sir.

- Q. Is this lady here, Miss Annie Willig n, my kin to you?
A. Yes sir.
Q. What kin? A. My aunt.
Q. How long have you known her? A. All my life.
Q. What is her husband's name, before she was married to Willig n?
A. John R. Mayfield.
Q. She is divorced from him, is she? A. Yes sir.
Q. How long since she got her divorce from John Mayfield?
A. I do not know exactly.
Q. Some ten years or such a matter ago? It has been several years, has it? A. Yes sir.
Q. It has not been for the last few weeks? A. No sir.
Q. Some years, has it? A. Yes sir.
Q. How far back can you recollect when you first knew her as the wife of John R. Mayfield; how old were you when you can first recollect her as the wife of John R. Mayfield? A. I can recollect back twelve years, I guess.
Q. You were about nine years old? A. Yes sir.
Q. Can you not recollect back earlier than when you were nine years old? A. I guess I can.
Q. Was she the wife of John Mayfield from your first recollection?
A. Yes sir.
Q. Do you remember before her child, Ella Mayfield, was born?
A. Yes sir.
Q. Do you remember that she was born, to your knowledge, while she, (Applicant) was living as the wife of John R. Mayfield? A. Yes sir.
Q. Did they live together from your earliest recollection until they got the divorce? A. Yes sir.
Q. There was never any question raised about these ~~two~~ two children being the children of that marriage, was there? A. No sir.

Applicant recalled:

The marriage of the mother of these children, for whom application is made, to her husband, J. R. Mayfield, about 1883, is established by her own and other personal testimony: It is shown that she lived with him from the time of their marriage until some seven or eight years, or such a matter, ago. He is identified on the rolls of 1880, and 1894, as a Native Cherokee. No search is made of the roll of 1896, for it is not considered necessary, in his case, he not being an applicant at this time. His divorced wife states that he was admitted by the Cherokee Commission, but the record indicates that she is mistaken. The two children, Ella and Noah are identified on the rolls of 1894 and 1896. The representatives present of the Cherokee Nation, desire to make some enquiry in regard to the admission of the father of these children, and the possible correctness of the identity of this father on the roll of 1880. Therefore, for the present, this application will be put upon a ~~suspended~~ ~~suspended~~ white card, and decision will be suspended. The final result will be made known to the Applicant at her postoffice address, and that decision, when approved by the Secretary of the Interior, will be final in the case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Graves

Subscribed and sworn to before me this last day of September, 1900.

[Signature]
COMMISSIONER.

COMMERCIAL CREDIT

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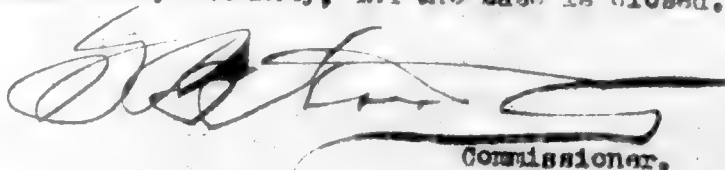
NOV 11 1902

D. 174.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., February 19, 1902.

In the matter of the application of Ella Mayfield for the enrollment of herself and brother as citizens of the Cherokee Nation.

The applicant's mother was notified by registered letter February 3, 1902, that this case would be taken up for final consideration by the Commission on the 18th instant, and that she could on said date appear and introduce additional testimony affecting this case. Receipt has been acknowledged of the Commission's letter of notification, the applicant called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

NOTICE TO THE PUBLIC
The undersigned, being a duly qualified
person, do hereby certify that the
above is a true and correct copy
of the original as the same appears
in the records of the County of
Franklin, State of New York.

Witness my hand and seal this

13th day of

1902

13th day of

1902

NOTICE TO THE PUBLIC
The undersigned, being a duly qualified
person, do hereby certify that the
above is a true and correct copy
of the original as the same appears
in the records of the County of
Franklin, State of New York.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 15, 1902.

Supplemental testimony and proceedings in the matter of the application of Ella Mayfield for the enrollment of herself and brother as citizens of the Cherokee Nation.

On the 3rd day of February, 1902, the applicant's mother Annie Milligan was notified by registered letter that the application of her two children for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the 19th day of February, 1902. On said date the case was called and there being no appearances the record in the same was deemed completed, but upon a further examination of the testimony it is found that the marriage of the applicant's father and mother had not been satisfactorily established and on March 20, 1902, the applicant was again notified by registered letter that satisfactory proof as to the marriage of Annie Milligan and John R. Mayfield would be necessary in order to complete the record in this case.

Thomas Woodall, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas Woodall.
Q How old are you? A 42.
Q What is your postoffice address? A Webbers Falls.
Q Did you know John R. Mayfield? A Yes sir, I was acquainted with him.
Q Do you know his wife Annie? A Yes sir.
Q Was she a white woman? A I think so, yes sir.
Q Do you know whether or not they were married? A Yes sir, I saw them married.
Q Who married them? A My father married them; he was district judge.
Q What was his name? A Abraham Woodall.
Q On what date were they married? A I don't know the date, about twenty years ago.
Q Did they continue to live together as man and wife up until the time they separated some nine or ten years ago? A Yes sir.
Q You knew them all that time did you? A Yes sir.
Q Were they generally recognized in the community as man and wife?
A Yes sir.

By W. W. HASTINGS:

- Q Do you know these children? A No sir, I don't know the children.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie Milligan for the enrollment of her two minor children, Ella Mayfield and Noah Mayfield, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on August 23, 1900, Annie Milligan appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of her minor children, Ella Mayfield and Noah Mayfield, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, 1902, and April 15, 1902.

The evidence shows that the applicants are the minor children of John R. Mayfield, a native Cherokee, and Annie Mayfield, (now Milligan), a white woman, who were lawfully married in 1883; that the said John R. Mayfield and his wife, Annie, lived together as husband and wife until about 1893, when it is averred that they were divorced.

The applicants and their parents are identified on the following tribal rolls of said Nation, now in possession of the Commission: Said John R. Mayfield on the 1880 authenticated roll as a native Cherokee; John R. Mayfield and both of the applicants on the 1890 census roll as native Cherokees; Annie Mayfield on said 1890 census roll as an adopted white; John R. Mayfield and both the applicants on the 1894 strip payment roll; and both of the applicants on the 1896 census roll as native Cherokees.

The applicants being identified on every tribal roll of the Cherokee Nation made since they were born, and thus repeatedly recognized by the tribal authorities as citizens, and the residence of their parents in said Nation being established, it is presumed that the applicants have resided in said Nation continuously since they were born, nothing to the contrary being shown.

It is therefore the opinion of this Commission that Ella Mayfield and Noah Mayfield should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the act of Congress, approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

389

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH
SECRETARY

Cher. D-174.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1902.

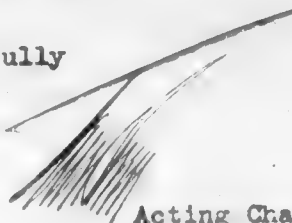
Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Annie Milligan for the enrollment of her two minor children, Ella Mayfield and Noah Mayfield, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully



Acting Chairman.

Enc. H-85.

Decided

D 174

IN THE MATTER OF THE APPLICATION

Edla Mayfield & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. Original testimony - August 23, 1900

B. Memo of application " 23, 1900

Notice of final consideration

C. Order closing testimony, Feb. 19, 1902

Decided
Chas

Cher D 175

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X 175

IN PATENT OFFICE, DISTRICT OF COLUMBIA,
COMMISSION TO THE CIVIL SERVICE COMMISSION,
FOOT STREET, N.E., WASHINGTON, D.C., 20002.

In the matter of the application of John A. Wicks for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Wicks being sworn by Commissioner Mackinridge testified as follows:

- Q What is your name? A John A. Wicks.
Q Your age? A 35.
Q Your postoffice? A Wiggins.
Q Your district? A Illinois.
Q For whom do you apply for enrollment? A Myself, wife and children.
Q Do you apply for yourself as a Cherokee by blood? A No sir, by adoption.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q Have you a marriage license? A Yes.
Q The applicant presents a duly authenticated marriage license and certificate, which will be filed herewith, showing that he was married according to Cherokee law on the 20th day of December, 1914, to Miss Lizzie Hilderbrand.
Q Have you and your wife lived together since your marriage? A Yes, until she died. I have been married a second time.
Q When did she die? A The year of the payment.
Q 1942? A Yes, in July.
Q You lived until she died? A Yes.
Q What district did your license wife live in in '00? A Canadian.
Q You say you have married again? A Yes.
Q What is the name of your present wife? A Marnie Hilderbrand.
Q What relation is she to your former wife? A Half-sister.
Q What is the age of your present wife? A 21.
Q Is she on the roll of '00? A I think so.
Q When did you marry her? A '35 I think it was.
Q Have you marriage license or certificate? A No sir, I was married by the judge of the district.
Q What is the name of your father? A John A. Wicks.
Q He was a white man? A Yes.
Q Dead or alive? A Dead.
Q What is the name of your mother? A Jane.
Q Is she a white woman? A Yes.
Q Dead or alive? A Dead.
Q What is the name of the father of your present wife? A Stephen Hilderbrand.
Q Is he a white man or a Cherokee? A Cherokee.
Q Dead or living? A Dead.
Q When did he die? A 31st of last July a year ago.
Q What is the name of your wife's father? A Mandy Hilderbrand.
Q Is she Cherokee or white woman? A Cherokee.
Q Dead or living? A Dead.
Q When is she dead? A I don't know-- some time about 10 years ago.
Q Are these children all of one wife? A Three by the first wife and two by the second wife.
Q Give me their names and ages? A Albert, 15 years old.
Q Next? On '96 roll, page 914, number 2060.
Q Next? A John, 12 years old.
Q Next? On '96 roll, page 914, number 2081, as Johnnie.
Q Next? A Nancy Jane, 10 years old.
Q Next? On '96 roll, page 914, number 2082, as Nancy.
Q Next? A Joe, 4 years old.
Q Next? On '96 roll, page 914, number 2083, as Joseph.
Q Next? A Benjamin, 2 years old.
Q Are these children all living now? A Yes.

Q Have any persons here who can testify to your being married to your present wife? A Yes.

JOS. IRVING, being sworn, testified as follows:

Q What is your name? A Jos. Irving.

Q Your age? A 36 or 38.

Q Your profession? A No one.

Q How long have you lived in the Cherokee nation? A All my life.

Q Do you know John A. Wick? A Yes.

Q He has been married more than once? A Yes.

Q When did his first wife die-- about how long ago? A About 6 years ago.

Q About when did he marry his present wife? A About 4 years ago.

Q Might it not have been a little more than 4? A Yes, cannot quite say.

Q They have a child named Joe? A Yes.

Q He is 4 years old-- was it then a year before that child was born? A Yes, I guess so.

Q Have they lived together as husband and wife since their marriage? A Yes, until eight months.

Q What are they doing now? A They are separated now.

Q Did he and his former wife live together as husband and wife until she died? A He has two children by his last marriage.

Q And three by his former marriage? A Yes.

Q What do you know about their separation-- how long have they been separated? A Since last spring.

Q Did he leave his wife or did she leave him? A I cannot tell you that.

Q Have they got any divorce? A Not that I know of.

Q You don't know anything about the cause of their breaking up?

A No sir.

Q Who is occupying the old home? A Joe is.

Q Where is she? A At her brother's.

By J. L. Church, Cherokee Attorney:

Q Do you know whether he can get a divorce? A No sir, I don't know.

APPLICANT'S EXHIBITORY CONT'D:

Q Well, what have you got to say about not living with your Cherokee wife? A We could not agree and I just agreed to quit. We could not get along in peace.

Q You thought it was best for her to go away? A She decided to go away and I thought it was best if she would not stay.

Q Have you applied for a divorce? A Yes.

Q You have? A Yes.

Q Has she applied for a divorce? A No sir.

By A. L. Church, Cherokee Attorney:

Q What grounds did you allege in your divorce proceedings? A Adultery.

Q In that instance didn't you tell her you thought it was best for her to leave? A I did not tell her anything about that question, but told her I did not propose to live with that kind of a person.

By the court on:

Q These divorce proceedings are pending now? A Yes.

Applicant's first wife on '00 roll, page 23, number 634, as Lizzie Hilderbrand.

Applicant's present wife, on '90 roll, page 24, number 604, as Mildred.

On '90 roll, page 214, number 2079, as Wicks.

Applicant on '90 roll, page 937, number ~~XXXXXX~~ 224, as Anna Wicks.

The applicant is shown by the marriage license and certificate filed herewith, to have been married to a native Cherokee woman on September 25, 1904. She is now dead. She is identified on the roll of '90. His second marriage was to a native Cherokee woman who is identified on the roll of '90 and '96. It appears from his testimony and testimony in the case that he and his present wife are not living together and that divorce proceedings are now pending before the United States District Court at Chicago. Those proceedings are expected to be concluded at the September term. The question arises as to whether the facts involved in this case work a forfeiture of his Cherokee rights. Pending a decision of that case and for further consideration of the Commission, the application for the enrollment of John S. Wicks III for the present be placed upon a doubtful card. The decision that shall be reached by the Commission will be communicated to him at his post-office address.

As regards the application for his present wife, Mildred Wicks, she is now identified on the rolls of '90 and '96 as a native Cherokee and she will be listed now for enrollment as a Cherokee by blood.

As regards the application for the children named in the testimony, the first three, Albert, John and Nancy, are the children of his first wife. The fourth child, Joe, is the child of his present wife. All of these are identified on the roll of '90. Their mothers are identified on the rolls of '90 and '96 and these children will be listed now for enrollment as Cherokee citizens by blood. The fourth child, Benjamin, by the present wife, is too young to be upon any roll, but when the Commission is furnished with a duly authenticated certificate of this child's birth, he also will be listed for enrollment as a Cherokee citizen by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony ~~and~~ proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Brown McDonald

Subscribed and sworn to before me this 11th day of September, 1906.

C. A. Purvis

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter., Sept. 9, 1902.

In the matter of the application of John A. Wicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant appears in person and by his attorney, W. M. Cravens.
Cherokee Nation appears by J. C. Starr.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said John A. Wicks that it would, on the 8th day of September, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation.

John A. Wicks, being sworn, testified as follows:

By the Commission,

- Q What is your name? A John Austin Wicks.
Q What is your postoffice address? A Braggs.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage? A Yes, sir.
Q What is the name of your wife through whom you claim your right to enrollment? A Lizzie Hilterbrand.
Q Is she living or dead? A She's dead.
Q Was she a Cherokee by blood? A Yes, sir.
Q Have you married since her death? A Yes, sir.
Q What is the name of your present wife? A Ada Brown.
Q Is she a Cherokee? A No, sir.
Q Is she a white woman? A Yes, sir.
Q Has she ever been recognized in any manner by the tribal authorities of the Cherokee Nation as a citizen? A Not that I know of.
Q When were you married to her? A I disremember the date.

The Cherokee Nation, by its representative, offers in evidence the certified copy of a marriage license and certificate showing that John Austin Wicks and Miss Ada Brown were united in matrimony by J. H. Crummitt, a minister of the Gospel, on the 17th day of March, 1901.

By W. M. Cravens,

- Q When did your Cherokee wife die? A I don't remember just exactly, but I think it was in '95.
Q Don't you know the exact date? A No, sir, I don't. I can tell by looking at the tombstone.
Q Did you have any children by that marriage? A Yes, sir, three.
Q Were you married to her in accordance with Cherokee law?
A Yes, sir. Mr. Rookey Smith was clerk of the Court at that time.
Q Clerk of the Cherokee Court? A Yes, sir, Webbers Falls.
Q Did he issue the license to you? A Yes, sir.
Q Where were you married? A At old uncle Joe Hilterbrand's.
Q Her father? A Her grandfather.
Q In what county? A Canadian District.
Q Of the Cherokee Nation? A Yes, sir.

Q And you say you complied with the Cherokee law in reference to marriage? A Yes, sir.
Q Did you live with your wife from that time until her death? A Yes, sir.
Q How many children have you living by her? Three.
Q What are their names? A George, John and James.
Q Do they live---were born in the Cherokee Nation of this marriage, and have always lived, and now live in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation continuously since your marriage to Miss Hilterbrand? A Yes, sir, until this spring I moved up town.
Q You moved here to send your children to school? A Yes, sir, I moved here in March. Thursday I moved back to the farm.
Q Were you recognized at the time of your marriage to Miss Hilterbrand, recognized as a citizen? A Yes, sir.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 8 day of September, 1902.

[Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John A. Wicks
for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on August 23, 1900, John A. Wicks appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on September 8, 1902.

The evidence shows that the said John A. Wicks was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 25, 1884, to Lizzie Hilderbrand, a citizen by blood of the Cherokee Nation. The applicant lived with his said wife until her death in July, 1894. It further appears that, about 1895, the applicant married Nannie Hilderbrand, a half-sister of his former wife and a citizen by blood of the Cherokee Nation. At the time of the application herein the applicant and his wife, Nannie, were separated, and the evidence shows that on January 15, 1901, he secured a divorce from his wife, Nannie Wicks, on the ground of adultery. The said John A. Wicks is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said John A. Wicks was married on the 17th of March, 1901, to one Ida Brown, a white person.

Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired

under the provisions of this act shall cease.*

It is, therefore, the opinion of this Commission that the application for the enrollment of John A. Wicks as a citizen by intermarriage of the Cherokee Nation should be denied under the said provisions of the Act of Congress above quoted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James H. Taylor
Acting Chairman.

(SIGNED) W. H. C. C. C.
Commissioner.

(SIGNED) W. H. C. C. C.
Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 12 1902

104
H. H. HAWES,
TAMM HENRY,
EDWARD H. NEEDLES,
C. R. HARRISON.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

104
REFER IN REPLY TO THE FOLLOWING

Cherokee D 175.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

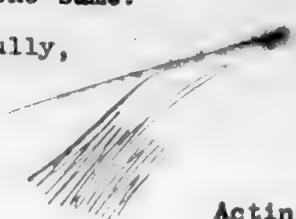
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of John A. Wicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enclosure H. No. 5.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 175.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of John A. Wicks for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 15, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLIE L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

94
REFER IN REPLY TO THE FOLLOWING

Cherokee R-779

Muskogee, Indian Territory, April 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the application of John A. Wicks for the enrollment of himself as a citizen by inter-marriage of the Cherokee Nation was denied by the Department on March 21, 1903.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

GRS

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IN THE MATTER OF THE APPLICATION OF

John A. Wicks

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A. Original testimony - August 23, 1900

B. Mem^o of application " 23, 1900

C. Marriage certificate

D. Certified copy of decree of divorce

11 114

Enrolled

See Graham No 1863

Book of...

Cher D 176

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 23, 1900.

In the matter of the application of Charles Koehler for enrollment as a citizen of the Cherokee Nation, said Koehler being sworn by Commissioner Preckinridge, testified as follows:

- Q What is your name? A Charles R. Koehler.
Q Your age? A 23.
Q Your postoffice? A Muskogee.
Q Your district? A Canadian.
Q For whom do you apply for enrollment? A Myself.
Q Do you apply as a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A About half of my time--- about 10 years.
Q Are you on the roll of '80? A Yes.
Q And on the roll of '96? A I think so.
Q Where do you make your home? A In Muskogee. I live in Muskogee, but our home place is in Canadian district.
Q Do you consider yourself as a Cherokee? A Yes.
Q Look upon this as your home or Muskogee? A I look upon the place in Canadian district as my home.
Q Do you take part in any of the public duties of the people of the Creek Nation-- do you vote there? A No sir.
Q Do you vote anywhere outside of the Cherokee Nation? A I voted in the city election in Muskogee.
Q What is the name of your father? A Conrad Koehler.
Q Is he a white man or Cherokee? A White man.
Q Is he living or dead? A Dead.
Q When did he die? A '92 I think.
Q What is the name of your mother? A Mary E.
Q Is she a Cherokee or white woman? A Cherokee.
Q Is she living or dead? A Living.
Applicant on '80 roll, page 546, number 985, as Charlie Koehler.

On '96 roll, page 41, number 1109.

This applicant is identified on the rolls of '80 and '96. He states that he has property interests in the Cherokee Nation, but makes his residence in Muskogee and that he participates in the public duties of the citizens of Muskogee and votes in the public elections. In order to consider what effect this will have as to his rights for enrollment at this time, his name will be placed upon a doubtful card for further consideration of the Commission. Decision when reached will be communicated to him by mail at his present postoffice address.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of September, 1900.

Brown McDaniel
[Signature]
Commissioner

valued at
\$100.00
J. H. Jones

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 29, 1902.

In the matter of the application of Wren Rankin for enrollment
as Cherokee Freedman.

SUPPLEMENTAL TO D-176.

Applicant represented by Lewis T. Brown.
Cherokee Nation represented by J. S. Davenport.

MARIAH CHASE, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Mariah Chase.

Q What is your postoffice address? A Fort Gibson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the 1880 roll? A Yes, sir.

Q Do you know Wren Rankin? A Yes, sir.

Q Do you know her mother? A Yes, sir.

Q When did you first become acquainted with her mother? A When I first became acquainted with her mother was during the war; we camped right together.

Q Was she a slave? A Well I don't know that far back; she said she wasn't; I don't know that far back; I don't know that far back about her mother.

Q When did you see the mother of Wren Rankin in the Cherokee Nation for the first time after the close of the war? A I saw her up from the time I met her, time of the war, until her death right in Fort Gibson.

Q How long has she been dead? A I couldn't say but I know she died in Gibson after peace.

Q About how long after the war was it, if you remember? A Well, Mr. Brown, I couldn't tell you exactly, because I don't keep the date of the year at all.

Q Do you know where she was in '65 and '66? A Her mother?

Q Yes, ma'am? A She was there in Gibson.

MR. DAVENPORT: Where do you live? A Fort Gibson.

Q How long have you lived at Fort Gibson? A All my life. I have lived about twelve miles when I was a slave, but ever since the war I have lived in Fort Gibson, before and all since.

Q You was living in Fort Gibson when Wren Rankin applied for citizenship there? A I have lived there all my life.

Q And you knew then and she knew just as well as you know? A Well she knew that I knowed her mother.

Q And she didn't call you as a witness down there when you was living up there in Fort Gibson? A She asked me; I never come before you there.

Q Well I am speaking of— you never come before the Commission there? A No, sir, not there I didn't.

Q You never knew her mother before the breaking out of the war? A No, sir.

Q You didn't know her mother was a slave? A I wasn't old enough.

Q Where did you first meet her mother? A In Fort Gibson.

Q And you never met her mother when she was living in Arkansas? A Oh, no, I told you I wasn't old enough.

Q How old are you now? A Well as near as I can guess at it I am about 52 years old, I suppose, I am not positive because—

Q How old were you when the war closed? A I don't know that, I went to the folks that had owned me, they kept it in a Bible, and they had lost the Bible.

Q Well you wasn't married was you when the war closed? A I was a young lady, I wasn't married.

Q Well where was Wren's mother living when you first met her? A In camps in Port Gibson.

Q Who else was near there that you now remember? A When I met Wren Rankin's mother?

Q Yes, in the army in camps. Well wasn't there anybody there that you knew besides Wren Rankin's mother? A Oh there was some of course, but I didn't keep no personal account of it.

Q Well now all you remember was just simply Wren Rankin's mother that you was camping there with? A Only her daughters.

Q And there wasn't many of you in camp? A Oh, there was.

Q Well you say you was a young lady, now wasn't there any young men that you remember around that camp? A Not the time of the war then wasn't.

Q You didn't know this woman before the surrender, this here Wren Rankin? A Well I'll tell you when I count up.

Q Didn't you know what year that you know her? A The year that peace was declared I met her.

Q You was a grown young lady? A Yes, sir.

Q A you don't remember where Wren Rankin was? A Was in there when I knew her mother.

Q Well when you know Wren Rankin she was a child, wasn't she? A I expect she's as old as I am.

Q Well was she there with her mother? A Yes, sir. There was Henry Seales and his wife, I forget his wife's name.

Q Well who lived in Port Gibson at that time? A Mr. Nash I think.

Q Well which one of the Nash's? A Both of the Nash's.

Q Well don't you remember any more of the colored folks that lived in Gibson in camps? A Lewis Daniels.

Q Now it was the time of the war? A It was in time of the war when I got acquainted with her mother.

Q Well when did you meet Wren Rankin first, before or after the war? A The year that peace was declared.

Q Where did you meet her? A Right at her place right on the bank of the river, near the ice-house.

Q Well, whose place was that, do you know? A I don't know just exactly whose place it was then.

Q Well now how far was the ice house from where she lived? A Well now I think she lived right between the John Adair place and the ice house when I first got acquainted with her.

Q Mrs. Lipe was living there at that time, wasn't she? A The old Mrs. Lipe, yes, sir.

Q Major Lipe's mother? A Yes, sir.

Q There was Henry Meigs? A I don't know, sir.

Q There was Houston Denge? A I don't know that.

Q Didn't know them either? A Oh, yes, but I didn't visit.

Q You just remember those parties about the time you met her?

A There was Peggie Hutchinson, Arch Carter, oh I could name over dozens, Sarah Carter and Jesse Lowry.

Q And Wren has never called any of them to testify while the commission was right there at Port Gibson? A I don't know. There's Nelson Lowry, there's my brother, he lived right there with me, he knows her.

Q Nelson is here in town? A He knows she was there just as good as I do.

Q He don't know what year it was does he? A I can't tell you.

Q Do you know what year it was? A Well I know it was the year peace was declared, you can figure it up and tell what year that was.

L. B. DANIELS, being first duly sworn, testified as follows:

MR. BROWN: State your name? A L. B. Daniels.

Q Your age? A 57.

Q Postoffice address? A Lenepah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the authenticated roll of 1880? A Yes, sir.

Q Do you know Wren Rankin? A Yes, sir.

Q Do you know her mother? A Yes, sir.

Q Was her mother a slave? A She was known as a free negro.

Q Was she residing in the Cherokee Nation during the war? A Yes, sir.

Q Did she ever go out of the Cherokee Nation? A Only when she went with the army, and I was along.

Q Did she return? A Her mother?

Q Yes, sir. A Oh her mother stayed right there at Gibson only she was cooking for the company wagons and whenever we would go out some of them would carry her with us.

Q Where was she in '65? A At Fort Gibson.

Q Did she continue to live in Fort Gibson from '65 until her death? A Yes, sir.

Q When did she die? A I don't know exactly when it was. It must-- I wouldn't be sure, but I think it was about '77 or '78. I happened up on the Verdigris when the old lady died.

Q When did you first become acquainted with Wren Rankin, the applicant? A I became acquainted with her in 1866.

Q Where was she living then? A Living with her mother.

Q Where was she in '66? A She was there the summer of '66, I don't know whether it was June or July.

MR. DAVENPORT: You remember distinctly it was '66, don't you Lewis? A Distinctly, I think it was in May or June.

Q Well she was there all the time as a matter of fact, wasn't she, from the time the war broke out until it closed? A Well probably she didn't have been, but she was with her mother that I seen.

Q Now anyone that lived in Gibson would know that, wouldn't they, that she was there all the time? A Oh I don't know as they would; there's lots of people there don't know it.

Q There was a number of colored people there around the garrison at the close of the war, wasn't there? A Yes, sir.

Q You remember every one of them that was there? A No, sir.

Now happens that I remember her more particularly because I was courting her daughter-- her sister, I was aiming to marry her, that's how.

Q You courted a good many of them? A Why I don't know as I did.

Q Wasn't you pretty handy about the young ladies about that time?

A Well of course I was a young man.

Q Will you don't confine your courtship just to this woman, sister? You and Luster had a line courting around there, courting almost all of the girls? A I don't know as we did.

Q Will you are not positive about that fact, are you, Lewis, as to whom she was when the war closed, that is, Wren Rankin?

A Oh yes, sir, she was there at Gibson.

Q You didn't have her with you when you was hunting horses up on Lightning Creek on the 28th day of December, 1866, she wasn't along was she? A Oh no, she had no right to be.

Q Who was courting her sister then? A Oh the old lady wouldn't let me then.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of May, 1902.

J. B. Reuter
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles R. Koshler for enrollment as a Cherokee citizen.

On the 23rd day of August, 1900, Charles R. Koshler appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence his name was placed upon a "Doubtful" card.

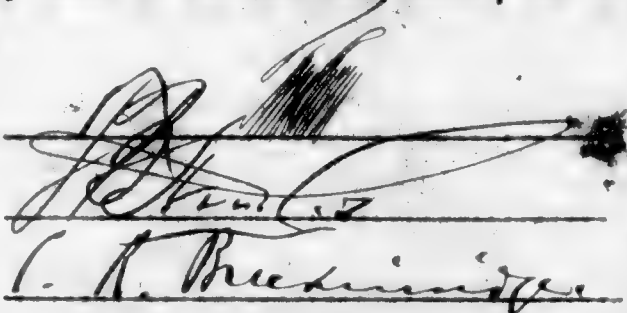
Upon review of this case it appears that the applicant is identified on the authenticated tribal roll of 1880. His residence has been partly in the Creek and partly in the Cherokee Nation, and at the time of this application he was living in Muskogee, Creek Nation. He testifies that he has voted at the Municipal elections in the said city of Muskogee. This fact alone is not considered sufficient to work a forfeiture of his right to be enrolled as a citizen of the Cherokee Nation. He is identified on the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

DECISION.

It is the opinion of this Commission that under the facts in this case and the law cited, Charles R. Keckler is entitled to enrollment as a citizen by blood of the Cherokee Nation, and it is therefore so ordered.


C. A. Buchanan
Commissioners.

Dated at Muskogee, Indian Territory

APR 23 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D-176

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

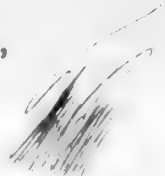
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Charles R. Koehler, No. D-176, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the application of the said Charles R. Koehler as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-176.

IN THE MATTER OF THE APPLICATION OF

Charles R. Kohler

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 23, 1900

B. memo of application - " 23, 1900

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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 on the subject of the "International
 Conference, I.C. 1900, 1900".

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Q. Now, I am going to ask you a few more questions. Is that all right?
A. Yes, sir.
Q. Now, I am going to ask you a few more questions. Is that all right?
A. Yes, sir.
Q. Now, I am going to ask you a few more questions. Is that all right?
A. Yes, sir.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. What is the name of the person who is the subject of the document? Yoo, J.

[illegible][illegible]

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01. The subject was born on 12/1/61.

17 years old, in the past and 1 year old.

Q. Now, you said that you didn't know who the person was that was in the car with you? A. Yes, sir.

... , the next one ... Van, sir.

07, 1991

[illegible]

Q. Did you not see the fall of the Cherokee Nation? A. No, sir.

[illegible]

Q Yes, sir, I state under the former statute.

... our? A. The Demon ...

Q Now, you married first? A I was married March 18, 1877,
to the first of the above-named.

Q What is the grade of you claim under? A Yes, sir.

Q You have only one married person there too? A Yes, sir.

Q Who was it you married then? A Tommie L. Foreman.

Q When did ~~your~~ that wife die? A She died, it was about 9 months

Q. Now, I was asking, I said, "Did you ever get married?" A. I would greatly
prefer not to answer that question. I would prefer not to answer that question.
Q. All right, but you were married once? A. About 3 years.
Q. And then you were married again? A. Yes, I was married again.
Q. And then you were married again? A. Yes, I was married again.

... I ...

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list includes names such as "Mr. J. H. Smith", "Mr. W. H. Jones", and "Mr. R. H. Brown".

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The population of the United States has increased from about 100 million in 1900 to over 200 million in 1960. At the same time, the population of rural areas has decreased from about 100 million in 1900 to about 50 million in 1960. This has led to a concentration of the population in urban areas, which has had a number of important consequences. One of the most important is that it has led to a change in the way of life of the majority of the population. In rural areas, the population is more closely tied to the land, and the way of life is more traditional. In urban areas, the population is more mobile, and the way of life is more modern. This has led to a number of changes in the economy, in the culture, and in the social structure of the United States. For example, the economy has become more industrialized, and the culture has become more diverse. The social structure has become more complex, and the role of the government has become more important. These changes have all been a result of the process of urbanization, and they have all had a profound impact on the United States.

CONFIDENTIAL

[illegible]

... ..

I am, Sir, very respectfully,
Your obedient servant,
J. M. Smith

...and the fact that the system is not yet fully operational, the Commission has decided to postpone the final decision on the system until the end of 1992.

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Q. And that you applied at the time of the collection? A. It was in 1969.

2. You don't know what happened in 1969. A No. 21

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Thomas Wilson Collins - A.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes.

Bruce S. Jones

Sworn to and subscribed before me this the 1st of September, 1900.

Commissioner P.

1917

SEP 17 1917

To be filled with D-card #177.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C., August 30, 1900.

Thomas W. Collins, being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Thomas W. Collins.
Q Where born? A MO.
Q Where raised? A West Virginia.
Q Are you eligible to be a citizen of the Cherokee nation? A Yes.
Q By blood? A No sir.
Q By intermarriage? A Yes.
Q I understand you have certified copy of the judgment of the United States Court admitting one T. W. Collins to citizenship, and also one for T. W. Collins. Are not two identical T. W. Collins that is referred in this transcript of proceedings that you present? A Yes.
Q I find also the name here of T. W. Collins, is she a citizen by blood? A Yes.
Q Are you her mother? A Yes.
Q Yes or a white man? A Yes.
Q So you then apply for ~~citizenship~~ admission as a citizen by intermarriage? A Yes.
Q Applicant presents a certified copy of the proceedings of the United States Court, Northern District of the Indian Territory, case No. 30, citizenship case, admitting him, T. W. Collins, as a citizen of the Cherokee nation in the year '97.
Q Where do you reside? A Live here in West Gibson.
Q In the Cherokee nation? A Yes.
Q How long have you lived in the Cherokee nation? A I have lived here off and on since '93.
Q You apply to be admitted yourself only now? A Yes.

Said applicant, Thomas W. Collins, presents satisfactory proof of his legal admittance as a citizen of the Cherokee nation by the United States Court for the Northern District of the Indian Territory. He will, therefore be duly listed for enrollment as a citizen of the Cherokee nation by intermarriage.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is true and correct transcript of his stenographic notes thereof.

Enclosures

Subscribed and sworn to before me this 17th day of September, 1900, at Vinita, I. T.

C. A. Munn
Commissioner.

and complete knowledge of the situation of the country, and the state of the mind of the people, and the character of the government, and the nature of the laws, and the extent of the power, and the degree of the influence, and the amount of the wealth, and the quality of the education, and the condition of the health, and the state of the religion, and the mode of the industry, and the system of the commerce, and the form of the constitution, and the name of the monarch, and the title of the nobles, and the rank of the officers, and the style of the gentlemen, and the dress of the ladies, and the food of the peasants, and the habitations of the poor, and the manners of the court, and the customs of the village, and the language of the scholar, and the dialect of the peasant, and the music of the city, and the dance of the country, and the games of the youth, and the sports of the old, and the festivals of the church, and the holidays of the state, and the seasons of the year, and the changes of the weather, and the signs of the times, and the omens of the future, and the prophecies of the past, and the legends of the present, and the traditions of the future, and the history of the world, and the geography of the globe, and the astronomy of the heavens, and the metaphysics of the soul, and the ethics of the conduct, and the politics of the nation, and the economics of the trade, and the jurisprudence of the law, and the medicine of the body, and the agriculture of the land, and the mechanics of the art, and the philosophy of the science, and the theology of the faith, and the poetry of the imagination, and the prose of the reason, and the drama of the action, and the comedy of the humor, and the tragedy of the passion, and the epic of the hero, and the romance of the love, and the novel of the life, and the biography of the man, and the autobiography of the self, and the diary of the day, and the journal of the journey, and the letter of the friend, and the speech of the assembly, and the sermon of the pulpit, and the prayer of the closet, and the meditation of the heart, and the contemplation of the spirit, and the devotion of the soul, and the worship of the God, and the service of the King, and the duty of the citizen, and the honor of the warrior, and the glory of the conqueror, and the fame of the immortal, and the peace of the eternal, and the happiness of the infinite, and the bliss of the divine, and the joy of the blessed, and the love of the perfect, and the truth of the absolute, and the beauty of the ideal, and the goodness of the supreme, and the wisdom of the eternal, and the power of the omnipotent, and the knowledge of the omniscient, and the presence of the omnipresent, and the essence of the eternal, and the existence of the necessary, and the reality of the objective, and the certainty of the universal, and the necessity of the logical, and the coherence of the rational, and the consistency of the philosophical, and the harmony of the scientific, and the unity of the metaphysical, and the identity of the theological, and the continuity of the historical, and the correspondence of the geographical, and the agreement of the astronomical, and the congruence of the mathematical, and the consonance of the musical, and the similarity of the poetic, and the resemblance of the dramatic, and the likeness of the biographical, and the analogy of the autobiographical, and the comparison of the diaries, and the contrast of the journals, and the connection of the letters, and the relation of the speeches, and the association of the sermons, and the distinction of the prayers, and the difference of the meditations, and the exclusion of the contemplations, and the inclusion of the devotions, and the participation of the worships, and the communion of the services, and the fellowship of the duties, and the partnership of the honors, and the community of the glories, and the society of the fames, and the brotherhood of the immortals, and the sisterhood of the eternals, and the family of the blissful, and the household of the joyful, and the clan of the loving, and the tribe of the truthful, and the nation of the beautiful, and the kingdom of the good, and the empire of the wise, and the dominion of the powerful, and the province of the knowledgeable, and the territory of the present, and the county of the future, and the parish of the past, and the township of the legend, and the ward of the tradition, and the liberty of the history, and the borough of the geography, and the hundred of the astronomy, and the tithing of the metaphysics, and the knight of the ethics, and the barony of the politics, and the earldom of the economics, and the dukedom of the jurisprudence, and the duchy of the medicine, and the marquisdom of the agriculture, and the kingship of the mechanics, and the crown of the philosophy, and the papacy of the theology, and the senate of the poetry, and the house of the prose, and the commons of the drama, and the lords of the comedy, and the knights of the tragedy, and the bishops of the epic, and the abbots of the romance, and the priors of the novel, and the monks of the biography, and the nuns of the autobiography, and the convents of the diaries, and the nunneries of the journals, and the friars of the letters, and the sisters of the speeches, and the hermits of the sermons, and the anchoresses of the prayers, and the beggars of the meditations, and the lepers of the contemplations, and the thieves of the devotions, and the murderers of the worships, and the traitors of the services, and the rebels of the duties, and the evildoers of the honors, and the wicked of the glories, and the sinners of the fames, and the blasphemers of the immortals, and the idolaters of the eternals, and the sorcerers of the blissful, and the witchdoctors of the joyful, and the fortune tellers of the loving, and the astrologers of the truthful, and the magicians of the beautiful, and the jugglers of the good, and the charlatans of the wise, and the quacks of the powerful, and the impostors of the knowledgeable, and the swindlers of the present, and the gamblers of the future, and the cheats of the past, and the liars of the legend, and the hypocrites of the tradition, and the knaves of the history, and the rascals of the geography, and the scoundrels of the astronomy, and the rogues of the metaphysics, and the fools of the ethics, and the madmen of the politics, and the dunces of the economics, and the idiots of the jurisprudence, and the imbeciles of the medicine, and the lunatics of the agriculture, and the fanatics of the mechanics, and the big game hunters of the philosophy, and the bull terriers of the theology, and the bulldogs of the poetry, and the mastiffs of the prose, and the hounds of the drama, and the greyhounds of the comedy, and the pointers of the tragedy, and the setters of the epic, and the retrievers of the romance, and the terriers of the novel, and the collies of the biography, and the shelties of the autobiography, and the border collies of the diaries, and the rough collies of the journals, and the smooth collies of the letters, and the longhaired collies of the speeches, and the short haired collies of the sermons, and the wire haired collies of the prayers, and the smooth coated collies of the meditations, and the rough coated collies of the contemplations, and the black and white collies of the devotions, and the blue merle collies of the worships, and the red merle collies of the services, and the white merle collies of the duties, and the black and tan collies of the honors, and the blue merle collies of the glories, and the red merle collies of the fames, and the white merle collies of the immortals, and the black and tan collies of the eternals, and the blue merle collies of the blissful, and the red merle collies of the joyful, and the white merle collies of the loving, and the black and tan collies of the 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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Thomas W. Collins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-177.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

THOMAS W. COLLINS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Thomas W. Collins.
Q. What is your age at this time, Mr. Collins? A. 52.
Q. What is your post office? A. Collinsville.
Q. Are you the same Thomas W. Collins who made application to this Commission for enrollment as an intermarried citizen in 1900?
A. Yes, sir.
Q. What is your wife's name, Mr. Collins? A. Margaret Collins.
Q. Is she living? A. Yes, sir.
Q. Is she a citizen of the Cherokee Nation by blood? A. Yes, sir.
Q. When were you and she married? A. We were married in 1880.
Q. Were you ever married prior to your marriage to this wife?
A. Yes, sir.
Q. How many times. A. Just one time.
Q. Was that wife living or dead? A. She was dead.
Q. Had your wife ever been married previous to her marriage to you?
A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. She is your second wife? A. Yes, sir.
Q. Have you and she lived together continuously from the time of your marriage up to the present time? A. Yes, sir.
Q. Never have been separated? A. No, sir.
Q. Living together on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I came here in '68.
Q. Have you lived in the Cherokee Nation since then?
A. No, sir. I have lived here continuously for the last 15 years.
Q. How long has your wife lived in the Cherokee Nation?
A. All her life.
Q. Got any children, Mr. Collins, under 21? A. Yes, sir.
Q. How many? A. We have got six.
Q. Are they all living at this time? A. All living.
Q. Have they always lived in the Cherokee Nation.
A. No, sir; the oldest hasn't, Tom. He has been for the last 15 years.
Q. The others have been here since they were born? A. Yes, sir.
Q. You haven't lost any children since the original application was made. A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 23rd day of October, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas W. Collins for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 23, 1900, Thomas W. Collins appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for his enrollment, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on August 30, 1900, and at Muskogee, Indian Territory, on October 1, 1903.

The evidence in this case shows that Thomas W. Collins was lawfully married under authority of a Cherokee marriage license on March 19, 1877, to one Tommie L. Foreman. Applicant's said wife died about nine months after their said marriage. The marriage license issued by the Clerk of Canadian District recites that Tommie Foreman was a citizen of the Cherokee Nation.

From an examination of the opinion of the United States Court in the Indian Territory for the Northern District in the matter of the appeal from the decision of the Commission to the Five Civilized Tribes in the case of Margaret Collins, et. al, it appears that the Court, in setting forth the facts therein from the report of the Master in Chancery in said cause, stated that Thomas W. Collins has been considered and recognized as a citizen by intermarriage of the Cherokee Nation.

Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that applicant secured rights of Cherokee citizenship through intermarriage with his first wife, Tommie L. Foreman, and that subsequent to her death he married his present wife, Margaret, a Cherokee citizen by blood.

The evidence further shows that Thomas W. Collins has lived in the Indian Territory since his marriage to his first wife, Tommie L., on March 19, 1877, and that he has lived in the Cherokee Nation continuously for fifteen years next preceding the date of this application, and was living therein with his present wife, Margaret, on September 1, 1903.

It is, therefore, the opinion of this Commission that Thomas W. Collins should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of the Act of

Cherokee D-177.

Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Bixby.

Acting Chairman.

(SIGNED) T. B. Needles.

Commissioner.

(SIGNED) C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. December 19th 1902.

In the matter of the application of Thomas W. Collins for enrollment
as a citizen by intermarriage of the Cherokee Nation.
Cherokee D 177.

Protest of the Cherokee Nation.

Comes now the Cherokee nation and most respectfully protests against
the decision of the Commission rendered in the above case on December 10th
1902 and asks that same be forwarded to the Honorable Secretary of the
Interior for review.

The proof in this case that Margaret Collins and her children were
~~was~~ admitted to citizenship in the Cherokee Nation by the United States
Court upon appeal from the Dawes Commission under the act of June 10th
1896 but an examination of the records show that the Commissioner in
charge at Fort Gibson on August 30th 1900 erred when he recited the fact
that the said Thomas W. Collins was admitted by the United States Court to
citizenship in the Cherokee Nation by intermarriage because the records
taken before Commissioner Greekinridge on August 23rd 1900 shows that
Thomas W. Collins was not an applicant.

Aside from the recitals as to what this judgment contains there is no
evidence whatever that the first wife of Thomas W. Collins was a citizen
of the Cherokee nation; she died before the 1880 roll was made consequent-
ly her name does not appear thereon and there is no proof whatever then
except that of
that the applicant Thomas W. Collins that she was a Cherokee by blood
and the fact that the name of Thomas W. Collins does not appear upon the
1880 roll tends to prove that he was never recognized as a citizen of the
Cherokee nation by intermarriage. If, however, his first wife was a citi-
zen of the Cherokee Nation by blood, and if he had acquired citizenship by
his marriage to her we contend that after her death he married his pres-
ent wife who was not at the time of the marriage a recognized citizen of
the Cherokee Nation that under section 666 of the compiled laws of the

Cherokee Nation quoted in the decision he forfeited his right to citizenship in the Cherokee Nation by intermarriage. Note that said section permits him to retain his rights of citizenship unless he marry a "

White man or woman, or person (As the case may be) having no rights of Cherokee Citizenship by blood in that case all of his or her rights acquired under the provisions of this act shall cease." Strange to say the decision of the Commission rendered in this case recites that "Subsequent to her (his first wife's) death he married his present wife Margaret, a Cherokee by blood" when in fact it is confessed that his present wife Margaret was not a recognized citizen when the applicant married her. This is the milk in the coconut, was his wife a Cherokee citizen and so recognized when the applicant Thomas W. Collins married her? If she were not then he lost his right under section 666 of the Compiled laws of the Cherokee nation.

We further ask that the Honorable secretary of the Interior require the Commission to correct the error recited in the testimony taken on August 30th 1900 which states that Thomas W Collins himself was admitted to citizenship in the Cherokee Nation by intermarriage by the United States court upon appeal from the Commission, as this is incorrect.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

In the matter of the applica-
tion of Thomas W. Collins for en-
rollment as a citizen by inter-
marriage of the Cherokee Nation.

ANSWER OF APPLICANT TO PRO-
TEST OF ATTORNEY FOR THE CHEROKEE
NATION.

James M. Shackelford,
Atty. for Applicant.

(Copy)

TO THE HONORABLE SECRETARY OF THE INTERIOR:

In the matter of the application of Thomas W. Collins for enrollment as a citizen by inter-marriage of the Cherokee Nation. Cherokee D. 177.

ANSWER OF APPLICANT TO PROTEST OF
THE ATTORNEY FOR THE CHEROKEE NATION.

It appears from the record in this case that the applicant's claim to citizenship in the Cherokee Nation rests upon two legal propositions, viz: First, was his first wife, Tommie L. Collins, (nee Foreman), a citizen by blood of the Cherokee Nation? Secondly, what effect did his marriage to his present wife have upon his rights of citizenship, if any, acquired under his former marriage?

The undisputed testimony in the case shows that the applicant's first wife was a citizen by blood of the Cherokee Nation. There is no evidence whatever to the contrary. Not a witness or a syllable of testimony has been offered or submitted by the Cherokee Nation to deny or disprove her citizenship and as all of the evidence upon that subject stands unquestioned and unimpeached in the hearing before the Commission to the Five Civilized Tribes, we contend that their decision upon that question stating that said Tommie L. Collins, at the time of her marriage to the applicant herein was a citizen by blood of the Cherokee Nation should not be disturbed.

It is further shown by the record that the applicant was married to his first wife under authority of a Cherokee marriage license. The license was properly issued by the Clerk of Canadian District in conformity with the laws of the Cherokee Nation, March 19, 1877. It recites the fact that said Tommie L. Foreman was a citizen of the Cherokee Nation and has been properly submitted in evidence and is therefore a part of the record in this case. Its authenticity and

legality is not in any manner questioned by the Cherokee Nation. The fact that said Tommie L. Foreman was a citizen by blood of said Nation was the basis for the issuance of the license and the license is prima facie ^{evidence} undisputed showing such citizenship. If she had been a non-citizen of the Cherokee Nation the license would not have been issued reciting the fact of her citizenship and authorizing her marriage under the laws of said Nation to another non-citizen. The fact is that she was a citizen by blood as indicated by the license and her marriage under it to the applicant completely established his rights as an intermarried citizen of said Nation. See Secs. 659-660- 663 and 666 inclusive of the Compiled Laws of the Cherokee Nation, 1892.

Furthermore, the decree of the United States Court in the Indian Territory for the Northern District in the case of applicant's present wife, Margaret Collins and her children for final enrollment as citizens of the Cherokee Nation, states that said Thomas W. Collins has been considered and recognized as a citizen by intermarriage of said Nation. The fact that Collins was not a party to that application is not material here. The decree is proper evidence in support of his claim to citizenship and has been properly admitted as such without objection on the part of counsel for said Nation. It stands as a verity and as the judgment of a court of final jurisdiction and cannot be collaterally attacked, impeached or questioned before Your Honor inasmuch as it was not questioned in the hearing before the Commission. In fact it could not properly be questioned before any court now for the reason that it is a final adjudication of the questions involved and cannot now be modified or corrected, even if it contained error, which, however, is not the case. But in any event the Commission has quasi-judicial functions and for the purpose of trying this class of cases sits as a trial court and as such has the

right and the authority to pass upon and consider all questions as to the competency, relevancy and admissibility of evidence. We insist that this decree was proper evidence for the consideration of the Commission bearing upon the question of applicant's citizenship, but granting for the sake of argument that the Commission erred in admitting this testimony the Cherokee Nation has now waived all right to question its admissibility. The objection to it at this time comes too late. Your Honor, as we understand it, is really a court of appeal in cases of this character and as such will not consider objections to the admissibility of testimony which were not previously made in the hearing before the Commission.

Hence, the applicant's claim to citizenship by intermarriage is shown first by his own evidence that his first wife, Tommie L. Foreman, was a citizen by blood of the Cherokee Nation. Secondly, by the Cherokee marriage license, which is a part of this record, and thirdly, by the recitals of said decree of the United States Court and in the hearing before the Commission no objection was made by counsel for the Cherokee Nation to the admissibility of any of this testimony.

We now come to the further proposition as to the effect of applicant's marriage to his present wife upon his rights of citizenship acquired under his former marriage. It is not denied that the applicant's present wife is a citizen by blood of the Cherokee Nation, but it is contended that she was not a RECOGNIZED citizen of said Nation at the time of her marriage to applicant and that by reason thereof he forfeited all rights of Cherokee citizenship acquired under the former marriage. That is what counsel calls "the milk in the coconut" in this case and he quotes from Sec. 666 of the Compiled Laws of the Cherokee Nation, 1892, in support of that contention. If counsel is satisfied to rest his case upon that statute, as he has emphat-

ically indicated, we will be more than pleased to also rest our case thereon. Said statute is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), HAVING NO RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The applicant's present wife at the time of his marriage to her "HAD RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD" and those rights have since been finally adjudicated in the case referred to and her citizenship fully established. It is wholly immaterial under said statute whether she was a recognized citizen by blood of the Cherokee Nation at the time of her marriage to applicant. The fact remains that she did have at that time "RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD" and those rights having been subsequently established by a court of last resort, her marriage to the applicant cannot work a forfeiture of his citizenship acquired by his former marriage. The above statute refers only to people that "HAVE RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD." It cannot under any possible rule of statutory construction be made to refer to persons who are not recognized citizens by blood. It is not a question as to whether she was recognized at that time as a citizen, but whether she HAD RIGHTS which would authorize and entitle her to such recognition. That she did have such rights has, as we have already stated, been fully determined and she is now a recognized citizen by blood of said Nation and her name has been placed upon the final roll without protest.

We insist that there is nothing in the contention of the attorney for the Cherokee Nation in this case; that the applicant has acquired the rights of Cherokee citizenship by his first marriage; that he has not forfeited those rights by his second and last marriage

and that the decision of the Commission should in all things be sustained. He would be entitled to the rights of Cherokee citizenship through his last marriage even if he had acquired no rights of citizenship by his first marriage. But, granting for the sake of argument that he had no rights in the first instance, which, of course, is not the case, he would obtain rights as an intermarried citizen under his last marriage. A man cannot forfeit rights of Cherokee citizenship PREVIOUSLY obtained BY MARRYING A CHEROKEE BY BLOOD. However, strange as it may be, that is the MAIN contention of the attorney for the Cherokee Nation in this case, "THE MILK IN THE COCONUT" as counsel states.

Respectfully submitted,

James H. Shackelford
Attorney for Applicant.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-177.

ALLISON L. AYLESWORTH.
SECRETARY.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Thomas W. Collins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-257.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 177.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 23, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, granting the application of Thomas W. Collins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, a copy of which decision was furnished you on December 15, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Muskogee, Ind. Ter., Jan. 30, 1903.

Hon. W. W. Hastings,

Vinita, Ind. Ter.

Dear Sir:-

Enclosed you will find copy of brief in case of Thomas W. Collins, Cherokee D. 177. You will please acknowledge receipt of the same and oblige.

Yours truly,

James M. Shackelford

Land
76807-1902
5963-1903
10212-1903
10590-1903.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated December 23, 1902, from the Acting Chairman of the Commissioner forwarding the record relative to the application of Thomas W. Collins for enrollment as a citizen by marriage of the Cherokee Nation.

December 10, 1902, the Commissioner held that the applicant was entitled to enrollment. The Cherokee Nation protests against the Commission's decision and takes the position that the Commissioner in charge of the Commission's work at Ft. Gibson on August 30, 1902, erred when he stated that the applicant was admitted to citizenship as an intermarried citizen by the United States Court, and takes the further position that the applicant who was married twice, lost all of the rights he acquired by reason of his first marriage when he married the second time a woman not then recognized as a citizen of the Cherokee Nation.

January 22, 1903, the Commission transmitted two copies of the answer of the attorney for the applicant to the protest of the Cherokee Nation against the applicant's enrollment. February 12, 1903 (I.T.D.551), the Department forwarded a copy of said answer to be considered in connection with the case when received by this office, and on February 14, 1903 (I.T.D.1667) the Department forwarded a

communication from James M. Shackelford, attorney for the applicant showing proof of service on the attorney for the Cherokee Nation of the applicant's answer.

The record in this case shows that on March 19, 1877, Tom Collins, the applicant, was lawfully married to Tommie Foreman, a citizen of the Cherokee Nation; that said marriage was authorized by and performed in accordance with the laws of the Cherokee Nation; and that Tommie Foreman was a recognized citizen of the Cherokee Nation.

Tommie L. Collins, applicant's wife, died about nine months after their marriage. In 1880, the applicant married his present wife, Margaret Collins, and the record in the case shows that she and others applied to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation; that their applications were refused and that the United States Court for the northern district of the Indian Territory admitted her and the other applicants to citizenship in that nation. A copy of the report of the master in chancery which is among the papers does not show specifically who were parties to that case. The name of the applicant, Thomas W. Collins, is mentioned in the report and it is stated therein that by his marriage to his former wife, who was a recognized citizen of the Cherokee Nation he became "an adopted citizen of that nation; he was thereafter always held as an adopted citizen of the nation". The court reversed the decision of the Commission and held that "the application of the claimants to be enrolled as citizens of the Cherokee Nation is allowed and their names will be placed upon the rolls of Cherokee citizens by the United States Commission."

The record in this case shows that Thomas W. Collins has lived in the Indian Territory since March 19, 1877, and that he has lived in the Cherokee Nation for fifteen years next preceding the date of the application.

The attorney for the applicant takes the position that the Cherokee Nation rests upon two legal propositions, as follows: First, Was his first wife, Tommie L. Foreman, a citizen by blood of the Cherokee Nation? Secondly, What effect did his marriage to his present wife have upon his rights of citizenship, if any, acquired under his former marriage? He enters into a lengthy discussion upon this subject and takes the position "a man can not forfeit rights of Cherokee citizenship previously obtained by marrying a Cherokee by blood."

There does not appear to be any question but that Tommie L. Foreman, the applicant's first wife, was a citizen of the Cherokee Nation. This seems to be admitted by the attorney for the nation. Subsequent to her death and in 1880, he married his present wife, Margaret L. Collins, who it seems was not at that time recognized as a citizen of the nation. The U. S. Court for the northern district of the Indian Territory on appeal from the Commission's decision, declared that she was entitled to enrollment as a citizen of that nation and it seems to the office that said court also held that Thomas W. Collins was an intermarried citizen of the Cherokee Nation. The name of Margaret Collins does not appear on the 1880 roll. She was born within the limits of the Cherokee Nation, was taken to the state of Arkansas by her father where she remained until she was about nine years of age when she returned to the Cherokee Nation and lived there up to the time of her marriage to Thomas W. Collins.

She, with her husband, went to the Creek Nation and they were living there when the 1880 roll was made. They lived there until about 1886, or 1887, when they returned to the Cherokee Nation where they have since resided. The name of Thomas W. Collins, the record shows does not appear on any of the rolls of the Cherokee Nation.

Thomas W. Collins, is, beyond question, entitled to enrollment as an intermarried citizen of the Cherokee Nation unless he is barred by his marriage to his present wife. The office does not believe that he is barred by reason of that marriage. In the first place the office understands that the court declared him entitled to enrollment as an intermarried citizen and even if it should be held that the court did not so declare, he married a woman who was subsequent to his marriage to him declared to be a citizen by blood of that nation and entitled to enrollment as such, and if she was of Cherokee blood in 1896 when the court passed upon her rights she was a Cherokee in 1880 when Thomas W. Collins married her and he did not therefore marry a woman not entitled to rights in the Cherokee Nation.

In view of the foregoing, the office does not consider it necessary to enter into any further discussion of the briefs filed in this case. It is respectfully recommended that the decision of the Commission holding that the applicant is entitled to enrollment as an intermarried citizen of the Cherokee Nation be approved and in connection herewith the attention of the Department is respectfully invited to Department letter on February 14, 1903 (I.T.D.1214), in the Ella N. Cass case. In that case the husband of Ella N. Cass, Iddo G. Cass, was subsequent to his marriage to his wife, admitted

to citizenship by the U. S. court for the northern district of the Indian Territory and the Department on the date last above mentioned held that by virtue of such admission his wife, who married him prior to the date of the court's decision, was entitled to enrollment as an intermarried citizen of the Cherokee Nation. In this case it does not seem from the record that the applicant married his present wife in accordance with the laws of the nation, but having married his first wife in accordance with the laws of the Cherokee Nation and subsequent to her death having married a woman who was after the date of their marriage declared to be a citizen, the doctrine laid down by the Department in the above mentioned case, it seems and the office believes, is applicable by reason of the applicant having become a citizen of the Cherokee Nation by virtue of his first marriage.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

G.A.W. (E)

D.C. 53179-1906.

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
THE.

I.T.D. 1934-1903.

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 20, 1903, the Indian Office transmitted the papers in the matter of the application of Thomas W. Collins for enrollment as an intermarried citizen of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of the applicant be affirmed. A copy of its letter is inclosed.

The evidence in the case shows that Collins was married March 19, 1877, under authority of a Cherokee marriage license, to a woman who seems to have been a citizen of the Cherokee Nation. Subsequent to the death of this wife he married, in 1880, Margaret Collins, a Cherokee by blood, who was subsequently recognized as a citizen of the Cherokee Nation by the United States Court. There is some question whether the Court recognized Collins as a citizen of the nation by intermarriage, but even if it did, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the decision of the Commission in favor of Collins is reversed.

The papers in the case have been sent to the Indian Office.
Respectfully,

Through the Commissioner
of Indian Affairs.
1 inc. and 7 to Ind.Of.

(Signed) Thos. Ryan,
First Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 177.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906.

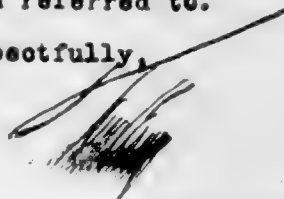
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Thomas W. Collins as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior November 30, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl. W-3.
S.W.

□

SD 177

IN THE MATTER OF THE APPLICATION OF

Thomas M. Collins

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A - Original testimony - August 23, 1900
- B - Memo of application - " 23, 1900
- C - Additional testimony - " 30, 1900

OCT 11 1907

At

Re,

Cherokee Nation

Cher D 178

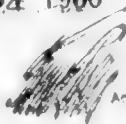
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
FORT GIBSON, I. T., AUGUST 24, 1900.

In the matter of the application of William Shoemaker and children for enrollment as citizens of the Cherokee Nation, he being sworn by Commissioner, C. D. Breckinridge, testified as follows:

- Q What is your full name? A William Shoemaker.
Q What is your age? A About 32 or 34.
Q What is your Postoffice? A Griggs.
Q What is your district? A Canadian.
Q What do you want to have put on the rolls. A Myself and two children.
Q That is all is it? A Yes, sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A About 13 or 14 years.
Q How long have you lived in the district of Canadian? A Ever since I came here.
Q Where did you come from? A Sebastian County, Arkansas.
Q Were you admitted by Cherokee Commission to citizenship? A Yes, sir.
Q Have you your certificate of admission? A No, sir.
Q You claim to have been admitted by the Cherokee Commission; and when was that? A In 1882 I think it was.
Q Give me the names of your children. A Georgia.
Q How old is that child? A She will be 10 years old next October.
Q Your next child? A Glen.
Q How old is that child? A He will be four years old in February.
Q What is the name of your father? A John Wesley Shoemaker.
Q Is he a Cherokee or white man? A Cherokee.
Q Is he dead or alive? A Alive.
Q What is the name of your mother? A Jane.
Q Is she a Cherokee or white woman? A White woman.
Q Is she dead or alive? A Dead.
Q When did she die? A She died when I was small.
Q Did she die after you came here to the Cherokee Nation? A She died before.
Q These children that you name are both alive now and living with you? A Yes, sir.
Q Both born since the time you claim you were admitted to citizenship? A Yes, sir.
Q Who is the mother of these children? A Martha Birdle, is her maiden name.
Q Is she living or dead? A She is dead.
Q How old was she when she died? A She was about 26 years old.
Q How long has she been dead? A About 2 years.
Q Was she a Cherokee or white woman? A White woman.
Q When did you and she marry? A 1886.
Q Have you a certificate of your marriage? A No, sir.
Q Have you personal proof you can produce here that you have lived together as husband and wife? A No, sir, I have not.
Q Who is here now that knows your children? A Charlie Ashley.
Q Does he not know your wife? A No, sir.

CHARLIE ASHLEY, being duly sworn by Commissioner Breckinridge, testified as follows:

- Q What is your full name? A Charlie Ashley.
Q What is your age? A 23 years old.
Q What is your Postoffice? A Webbers Falls, I. T.
Q Do you know this applicant here, Mr. William Shoemaker? A Yes, sir.

William Shoemaker---2.

- Q Do you live near him? A Yes, sir, about a mile from him.
Q How many children has he in his family? A He has two of his own and a step-child.
Q The mother of these two children is dead is she not? A Yes, sir.
Q Are these recognized in the community as his children by that dead wife? A Yes, sir.
Q Do the people there all understand that he and that woman were living together as husband and wife, and these children were born to them? A Yes, sir.
Q And they were so recognized in the community? A Yes, sir.

1894 enrollment; page 66; 1894, William Shoemaker, Can. Indian.
1895 enrollment; page 3; 1897, William H. Shoemaker, Canadian.
1896 enrollment; page 66; 1896, Georgia A. Shoemaker, Canadian.

Coast Breckinridge:

The applicant is identified on the rolls of 1894 and 1895. He claims to have been admitted to Cherokee citizenship by action of the Cherokee Council on January 30, 1895, but has not a copy of his certificate of admission. The printed list of admitted and re-admitted Cherokee citizens, in the possession of the Cherokee representatives present, indicates that he was admitted to Cherokee citizenship at the time stated. The Cherokee representatives, however, desired to make inquiry in regard to the character of the proceedings, admitting this applicant and other members of his family. Now the applicant's child, Georgia, is identified on the roll of 1896. His deceased wife is identified as his wife on the roll of 1894, and their marriage and their having lived together as husband and wife, is reasonably established by personal testimony.

The applicant's desired to furnish this Commission with a certificate from the official who married him and his wife, which he says he can do, also with a certificate of the act of his admission to Cherokee citizenship ~~on the present~~; and also a certificate of the birth of his youngest child, Chen, who is not old enough to be on any of the rolls of the Cherokee Nation. For the present the applicant and the two children Georgia and Chen, will be placed upon a doubtful card.

I, John B. Person, as stenographer to the Commission to the Five Civilized Tribes, say that I reported the testimony of the above named witnesses in full, and that the foregoing is a full, true and correct copy of the notes.

John B. Person

Subscribed and sworn to before me this 14th day of August, 1900.

C. A. Murren

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of William Shoemaker for the enrollment of himself and children—George A. Shoemaker, Clem Shoemaker and Pigeon Shoemaker—as citizens by blood of the Cherokee nation.

Supplemental to D-178.

Appearances:

Thomas Owen appears for applicants.
W. W. Hastings for Cherokee Nation.

WILLIAM H. SHOEMAKER, being duly sworn, testified as follows:

Examination by Mr. Owen.

- Q. Your name is William H. Shoemaker? A. William H. Shoemaker.
Q. Your post office is Webbers Falls? A. Yes, sir.
Q. What relation are you to William Shoemaker? A. William is a nephew of mine.
Q. How long have you known him? A. Since he was a boy, about 35 years I reckon, 30 years.
Q. What was the name of his first wife? A. Martha.
Q. Is she living at this time? A. She is dead.
Q. Was she living with William Shoemaker as his wife at the time of her death? A. Yes, sir.
Q. Where did they live? A. They lived in Canadian district, Cherokee nation.
Q. How far from where you live? A. About three miles.
Q. How long had you known her at the time of her death? A. I had known her ever since she was a child.
Q. How long had they lived together as man and wife at the time of her death, that you know of? A. I suppose about--well, 14 years.
Q. Were you present when they were married? A. No, sir.
Q. How far did they live from you during the time they lived together? A. A portion of the time they was in Cooweescoowee district, I think, but a greater portion they were in the same district, same township that I was, or the same district that I was in. There was several years that we lived within three miles of each other. The last of her life she lived about three miles from me. Three or four or five years; I couldn't say exactly how long.
Q. Did they have any children? A. They had three.
Q. What are their names? A. I couldn't tell you. I don't recollect their names. I don't recollect. I and will didn't like each other much.
Q. I don't care anything about that.

By Mr. Hastings:

- Q. Was his first wife dead when he married the second time?
A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of July, 1902.

[Signature]
Notary Public.


IN THE MATTER OF THE APPLICATION OF

William Shoemaker et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A-Original testimony August 24. 1900
- B mem^o of application " 24. 1900
- C Birth affidavit Clem Shoemaker.
- D Marriage license + cert
- E Letter relative to enrollment
- F Birth cert. of Pigeon Shoemaker
- G Notice of final consideration, 3/15/02


Proof of service of notice 3/15/02

Doc. 1

Cher D 179

Cher D 179

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED

AUG 25 1900



CHARLES S. SHARMAN



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 24, 1900.

In the matter of the application of Richard D. Cantrell, wife and child, for enrollment as citizens of the Cherokee Nation, he being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Richard D. Cantrell.
Q How old are you? A 26.
Q What is your post office? A Muskogee.
Q What is your district? A Canadian.
Q Who is it you want to have put on the rolls? A Myself, wife and one child.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q By adoption? A Yes, sir.
Q Your wife is a Cherokee by blood, is she? A Yes, sir.
Q Have you a marriage license? A Yes, sir.

Com'r Breckinridge:

The applicant presents a duly authenticated marriage license and certificate, issued by the Clerk of the Canadian District, showing that he was married in accordance with the Cherokee law by the Clerk of the district on August 19, 1896, to Clara Wallace, a citizen of the Cherokee Nation. This is filed with the application.

Q What is the name of your father? A Richard Cantrell.
Q He is a white man? A Yes, sir.
Q Is he dead or alive? A Dead.
Q What is the name of your mother? A Eliza Cantrell.
Q She is a white woman? A Yes, sir.
Q Dead or alive? A Dead.
Q What is the age of your wife? A 22.
Q She is living at this time with you, is she? A Yes, sir.
Q How long has she lived in the Cherokee Nation, all her life?
A Yes, sir.
Q What is the name of her father? A Lindsey Wallace.
Q Is he a Cherokee or white man? A White man.
Q Is he dead or alive? A Alive.
Q What is the name of her mother? A Lilly Wallace.
Q Is she a Cherokee or white woman? A Cherokee.
Q Is she dead or alive? A Alive.
Q What is the name of your child? A A Alby J.
Q How old is that child? A Seven months.

1894 enrollment; page 110, #2306, Clara Wallace, Canadian.

1896 enrollment; page 15, #414, Clara Cantrell, Canadian.

1896 enrollment; page 86, #59, Richard Cantrell, Canadian.

Com'r Breckinridge:

The applicant is identified on the roll of 1896, as an adopted Cherokee and his marriage to his wife in 1896 is established by his certificate and license of marriage filed herewith, but this marriage having taken place after the Cherokee law of 1895 prohibiting the acquisition of rights of citizenship by intermarriage, is therefore too late to entitle him to enrollment at this time. The fact as his being upon the roll of 1896 simply gives the commission jurisdiction over his case and does not determine his rights contrary to the law of 1895, therefore the applicant's application for the enrollment of himself is rejected.

Now, his wife is identified on the roll of 1894 under her maiden name, and on the roll of 1896 under her marriage name. She is not identified on the roll of 1880.

Richard D. Cantrell---2.

Their child, Alay, is too young to be upon any of the rolls. It is desired that this Commission be supplied with a duly authenticated certificate of this child's birth. The Representative present of the Cherokee Nation, desires that this woman and her child be placed upon a doubtful card under the contention that they do not derive rights from the roll of 1880, and that in consequence they are not entitled to enrollment at this time.

For the further consideration of this proposition, as well as for further opportunity for the identification of the applicant on the roll of 1880, she will be placed upon a doubtful card, and when the certificate of her child's birth is supplied to the Commission, it also will be listed upon a doubtful card.

I, John O. Rosson, as Stenographer to the Commission to the Five Civilized Tribes, say that I reported the testimony of the above named witness in full, and that the foregoing is a full, true and correct transcript of the notes.

John O. Rosson

Subscribed and sworn to before me, this 25th day of August 1900.

Chas. H. White

Commissioner.

L 179

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 25, 1900.

D. 179.

In the matter of the application of Clara E. Cantrell and one child as Cherokees by blood.

Additional Testimony:

Lindsey Wallace, being sworn and examined by Commissioner Hamilton, testified as follows:

- Q What is your name? A Lindsey Wallace.
Q What is your age? A 50.
Q What is your post office address? A Muskogee.
Q Are you the father of Clara Cantrell? A Yes, sir.
Q What is your mother's name? A Lilly Wallace.
Q Is the Lilly Wallace that has just been found upon the authenticated roll of 1880 the mother of Clara E. Cantrell? A Yes, sir.
Q What was your oldest child's name? A Clara.
Q Who did she marry? A Richard Cantrell.
Q Did she have a child by Richard Cantrell? A Yes, sir.
Q What is its name? A Alma Jane.
Q To find upon the authenticated roll of 1880 the name of Lilly Lindsey in your family, one year old, as being your oldest child; do you identify her as the wife of this man Cantrell? A Yes, sir.
(On 1880 roll, page 132, No. 1713, Lillie Lindsey, Cooweescoowee district, 1 year old; in the family of Wallace Lindsey and Leanie Lindsey.)

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th day of September, 1900.

[Signature]

Commissioner.

L 179



Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 25, 1900.

In the matter of the application of Lindsey Wallace for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood: being sworn and examined by Commissioner Dawkins, he testified as follows:

- Q What is your name? A Lindsey Wallace.
Q What is your age? A 50 years old.
Q What is your post office address? A Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or adoption? A By adoption.
Q For whom do you apply for enrollment? A Myself and wife and children.
Q What district do you live in? A Canadian.
Q How long have you been a resident of the Cherokee Nation?
A About 25 years.
Q Continuously, all the time? A Yes, sir.
Q Your father and mother non citizens? A Yes, sir.
Q What is the name of your mother? A Lilly Wallace. Hindaw.
Q How old is she? A 42.
Q When were you married? A I forget, whether it was in 1877 or 1878.
Q Is her name upon the roll of 1880? A Yes, sir..
Q What is the name of her father? A James Stokes.
Q Is he living? A No, sir.
Q Was he a white man? A Yes, sir.
Q What is the name of her mother? A Mary.
Q Is Mary living? A No, sir.
Q How long did she live? A He did, he died during the war.
Q When did she die? A About 16 years ago, as well as I remember.
Q Her name was Mary Stokes? A Yes, sir.
Q What is the name of the oldest child at home? A Jennie.
Q How old is she? A 10 years old.
Q What is the name of the next one? A Florence, she was born in 1896.
Q Is that all? A Yes, sir.
Q Are there any children alive and living with you now? A Yes, sir.
(On 1880 roll, page 132, No. 1711, Wallace Lindsey, Creek-Seminole district. Lilly Lindsey on 1880 roll, page 132, No. 1712, Leanie Lindsey, Creek-Seminole district.)

(Lindsey Wallace on 1896 roll, page 85, No. 380, Lindsey Wallace, Canadian district. Lilly Wallace on 1896 roll, page 62, No. 2884, Lillie Wallace, Canadian district. Jennie Wallace on 1896 roll, page 87, No. 2885, Jennie Wallace, Canadian district. Florence Wallace on 1896 roll, page 62, No. 2887, Canadian district.)

The name of Lindsey Wallace appears upon the authenticated roll of 1880 as Wallace Lindsey, and the name of his wife Lilly Wallace appears upon the authenticated roll of 1880 as Leanie Lindsey, and upon the roll of 1896 as Lillie Wallace, and the names of his two children, Jennie and Florence appear upon the same roll of 1896, and they being duly identified according to page and number of said roll as indicated in the testimony, and having made satisfactory proof as to their residence, the said ~~Lindsey~~ Lindsey Wallace will be duly listed and enrolled by this Commission as a Cherokee citizen by intermarriage, and his wife, Lilly, and his two children, will be listed for enrollment as Cherokee citizens by blood.

Lindsey Wallace - 2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes.

Sworn to and subscribed before me this the 4th day of September, 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara, Alma J. and Charles Cantrell, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on August 24, 1900, Richard D. Cantrell appeared before the Commission at Fort Gibson, Indian Territory, and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for his wife Clara Cantrell and his child Alma J. Cantrell as citizens by blood of the Cherokee Nation. Upon the evidence then submitted Richard D. Cantrell was listed on Cherokee Roll card, Field No. R 95. Since the date of this application a birth affidavit was filed with this Commission on September 14, 1901, from which it appears that Charles Cantrell, the child of Richard D. and Clara Cantrell was born on July 9, 1901. On August 25, 1900, further proceedings were had in the matter of the above application.

The evidence shows that Clara Cantrell is the daughter of Lindsey and Lillie Wallace, both of whom are identified on the authenticated tribal roll of 1880. She was married to Richard D. Cantrell on August 19, 1896. She is identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. Her children Alma J. and Charles Cantrell are identified by birth affidavits on file with this Commission.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1898 (30 Stats., 495).

It is therefore the opinion of the Commission that Clara Cantrell and her children Alma J. Cantrell and Charles Cantrell are

-2-

lawfully entitled to be enrolled as members by blood of the Cherokee
Tribe of Indians in Indian Territory, and that the application for
their enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

812

COMMISSIONER
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

D-179

ALLISON L. AYLESWORTH
CLERK

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

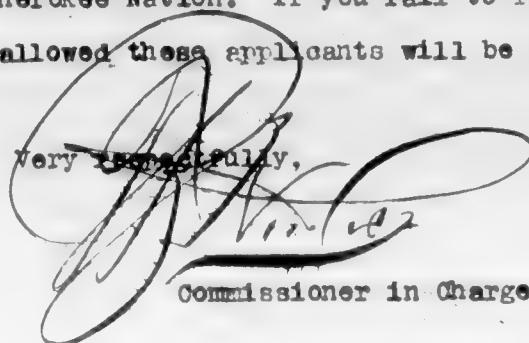
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Clara Cantrell et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Enc. D-179.

D179

IN THE MATTER OF THE APPLICATION OF

Clara Cantrell et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. August 24, 1900

B. Mem^o of application. " 24, 1900

C. Marriage License and Certificate

D. Supplemental testimony. August 24, 1900

E. Birth affidavit. Alma J. Cantrell.

F. Additional testimony. August 25, 1900

G. Birth affidavit. Charles Cantrell

Witnessed by
[Signature]

See Cherokee Index No.

Cher D 180

Cher D 180

181

MANUSCRIPT TO THE PRESIDENT OF THE
F I L E D
SEP 4 1800

... and the ...

and, still, it is not known whether or not the applicant, Thomas J. Javett, a 34-year-old citizen of the United States, born on March 15, 1906, by one George Gordon, a Minister of the Gospel, has presents no partitions of marriage; the testimony of the applicant, Thomas J. Javett, had a former wife named Anna who is, probably now living, and from whom he was never divorced; the names of applicants' children, Willie, Klaira and

Am. J. Math. 1911, 33, 111-112

[illegible]

... in the ... Division ...

M D Green

10. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

McBurnie



"P"

Cherokee D 180

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Annie Lovett for the enrollment of herself and children as Cherokee citizens.

Appearances:

Applicant, in person;
W.W. Hastings, attorney for the Cherokee Nation.

ANNIE LOVETT, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Annie Lovett.
Q Where do you live? A Illinois District, Braggs.
Q What is your husband's name? A James Lovett.
Q Is he living or dead? A Dead.
Q He was married prior to his marriage to you was he? A Yes sir, lived with a woman.
Q You know who married him to his first wife? A No sir, I do not.
Q You know how long he lived with her? A No sir, I do not know; I suppose some 10 or 12 years.
Q Did he have any children by her? A Yes sir.
Q Was he ever divorced from her? A No sir, he was never married to her.
Q Did you know his first wife? A Yes sir, I have seen her, I didn't know her up to the time I married him though.
Q How do you know they were never married? A Well about four hours before he died I asked him about it, they supposed he wouldn't live long, and I asked him about why he hadn't got a divorce and he says, let me tell you what it is, he says, first thing you do you make her prove that we was ever married; and I have a witness that will swear that he told her the same. My husband told another lady the same thing.
Q That witness here to-day? A Yes sir.

BY MR. HASTINGS:

- Q When did he tell her that? A He told her that before me and him was married; before ever I knew this other woman.
Q He lived with this woman ten or twelve years? A I think so.
Q How many children did they have? A Four.

BY COMMISSION:

- Q Any other statement you want to make about your case? A Nothing that I know of.

HENRIETTA IRVING, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Henrietta Irving.
Q Where do you live? A I live in Braggs.
Q Are you acquainted with the applicant in this case, Annie Lovett? A Yes sir.
Q Do you know of your own knowledge anything about the statement that he made to her just prior to his death relative to his first marriage? A Nothing only what my husband told me, that was a half brother of his; I was not there myself. He talked to me a good while before that; I was asked to go and talk to him when they thought he was bad off, and he told me just about what he told her the night he died.

APPLICANT, ANNIE LOVETT, re-called and further examined:

BY COMMISSION:

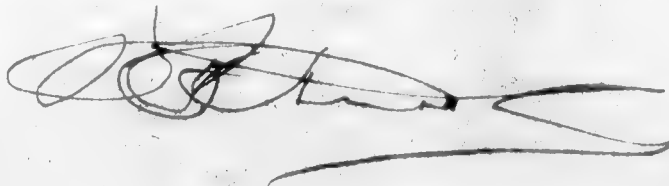
- Q Any other statement you desire to make relative to the case?
A No sir.
Q Do you submit it to the Commission for final consideration? A Sir?

Q Do you close it and submit it to the Commission for final consideration? A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 9 1902

Handwritten signature
APR 10 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

In the matter of the application of Annie Lovett for the enrollment of herself and children as citizens of the Cherokee Nation.

Louisa Troglin, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Louisa Troglin.
Q How old are you? A 22 years old.
Q What is your father's name? A Jim Lovett.
Q Living or dead? A He is dead.
Q What is your mother's name? A Annie Quinton.
Q Is she living? A Yes sir.
Q Is she a Cherokee or white woman? A Cherokee.
Q Your mother is a Cherokee? A Yes sir.
Q Was your father married more than once? A Yes sir.
Q Are you his child by his first or second marriage? A First wife.
Q His second wife living now? A Yes sir.
Q She a Cherokee or white woman? A She is a white woman.
Q Now what was your mother's father's name? A John Quinton.
Q What was your mother's mother's name? A Nellie Quinton.
Q Do you know how long it has been since your father and mother were married; are you the oldest child? A No sir, I aint the oldest child.
Q Now your own mother is still living? A Yes sir, my own mother is still living.
Q How long has she and your father been separated? A Why they aint been separated very long.
Q Do you know about how long it was? A No sir, I don't.
Q Do you know whether or not they were divorced? A No sir, they weren't divorced.
Q You know that of your own knowledge? A No sir, I just heard them talk about it.
Q Did your mother say she was never divorced from your father? A Yes sir.
Q Do you know whether your father was divorced from your mother? A I don't know, I don't think they were divorced.
Q Did you live with your father or mother? A Part of the time with mother and with father.
Q Did he ever say she was divorced from your mother? A I never heard him say and I never asked him.
Q When was your father married to your stepmother, Annie Lovett, a white woman? A Why I don't remember what time he did marry her.
Q Have they any children? A Yes sir.
Q How old is the oldest child? A Why he is about four or five years old.
Q How many children have they? A Three.
Q What are their names do you know? A Yes sir.
Q What are they? A William, Elmira and Rosie.
Q Isn't William older than five years? A I don't know.
Q Have you ever seen them? A Yes sir.
Q How big is he? A About that high (indicating).
Q Do you know when this last child Rosie was born? A No sir.

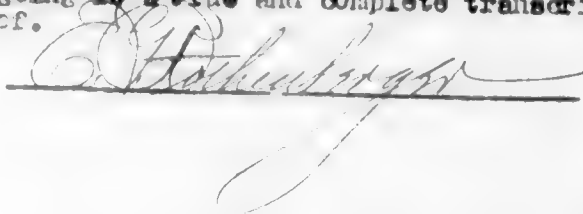
Emma Rogers, being sworn and examined by the Commission, testified as follows:

2- A.L.

- Q What is your name? A My name is Emma Rogers.
- Q How old are you? A Well I don't know just exactly; I guess I am about 41 years old.
- Q What is your post office address? A Bragg.
- Q Did you know James Lovett who is now deceased? A Yes sir.
- Q Were you related to him? A No sir, he was my brother-in-law.
- Q Was his first wife your sister? A Yes sir.
- Q What was her name? A Annie Quinton.
- Q Was she a Cherokee? A Yes sir, claimed to be Cherokee.
- Q Do you know when he was married to her? A No sir, I do not; I was younger than she was and I can't tell the exact time they were married.
- Q How long did they live together? A I don't know that I can tell exactly; they must have lived together about 14 years I guess.
- Q Is your sister still living, Jim Lovett's first wife? A Yes sir, she is at Webers Falls now. I wrote to her before I knew she was to come and I wrote for her to be here and she hadn't come when we started.
- Q Do you know whether or not she was ever divorced from James Lovett? A I do, she was never divorced.
- Q Was he ever divorced from her? A If he was I do not know it.
- Q You were not present when your sister and James Lovett were married? A No sir, I ~~can~~ can remember there was a judge that lived at Garfield by the name of Thornton and that was the man that married them so they said, I wasn't present.
- Q They said they were married by a man named Thornton? A Yes sir, Judge Thornton.
- Q In what district? A Illinois District.
- Q Do you know about how long ago that was; about how old were you? A I was 15 years old.
- Q And you are now 41 years old? A Yes sir.
- Q Well now did Jim Lovett and your sister live together as man and wife from the time of their marriage until their separation some 14 years ago, as man and wife? A They separated about a year and then they lived together on until their separation at that time.
- Q Did your sister have any children by Jim Lovett? A Yes sir.
- Q How many? A Four.
- Q Are they all living? A No sir.
- Q They were all born to her? A Three are living.
- Q These four children were born to your sister while she and Jim Lovett were living together as husband and wife? A Yes sir.
- Q Were they generally recognized as husband and wife throughout the community? A Yes sir.
- Q Do you know his second wife, Annie Lovett? A Yes sir.
- Q She a Cherokee or white woman? A White woman.
- Q When was she married to Jim Lovett? A They have been married quite a while; I don't know just when it was. I don't know the date.
- Q Did they live together up until the time he died? A Yes sir.
- Q You know who married them? A No sir, I do not.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.



DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 18, 1902.

In the matter of the application of Annie Lovett for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her children William, Elmira and Rose Lovett as citizens by blood of the Cherokee Nation.

Annie Lovett, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A My present name is Annie Williams.
Q How old are you? A Thirty nine years old.
Q What is your postoffice address? A Braggs, I. T.
Q Are you a white woman? A Yes sir.
Q What was the name of your Cherokee husband? A James Lovett.
Q When were you married to him? A In 1886.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he dead? A Yes sir.
Q How long did you live with him? From the time you were married up to the time of his death? A Yes sir.
Q He was your first husband? A Yes sir.
Q Was you his first wife? A No, he lived with a Cherokee woman.
Q Was he married to her? A He always said he was not.
Q Was she living when you were married to him? A Yes sir.
Q You say James Lovett is dead? A Yes sir.
Q Have you married since his death? A Yes sir.
Q What is your present husband's name? A John W. Williams.
Q Is he a white man? A Yes sir.
Q When did you marry him? A In 1891.
Q How many years ago? A Just a little over a year ago.
Q 1901? A Yes sir.
Q You are living with him now, are you? A Yes sir.
Q He does not claim to be a Cherokee citizen, does he? A No sir.
Q How many children have you? A Three.
Q Are they all living? A Yes sir.
Q Those children are by your first husband James Lovett? A Yes sir.
Q Are they all living with you now? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings had in the above entitled cause on the 18th day of October, 1902, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this 25th day of October, 1902.

B. D. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William, Elmira and Rosa Lovett as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 24, 1900, Annie Williams (formerly Lovett) appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself, by the name of Annie Lovett, as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her three minor children, William, Elmira and Rosa Lovett, as citizens by blood of the Cherokee Nation. The status of persons claiming as citizens by intermarriage of the Cherokee Nation not being fixed at this time the application of Annie Williams (formerly Lovett) for enrollment, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, April 8 and April 19, 1902.

The evidence shows that the applicants, William, Elmira and Rosa Lovett were born since 1880 and are the children of one James Lovett, who is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation. It further appears that the applicants are identified on the Cherokee census roll of 1896.

The evidence further shows that the applicants have resided in the Cherokee Nation for a period of fourteen years immediately preceding the date of their application herein.

It is, therefore, the opinion of this Commission that William Lovett, Elmira Lovett and Rosa Lovett should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this _____

SEP 18 1902

MD9

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-180

ALLISON L. AYLESWORTH.
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903

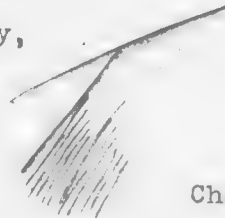
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Annie Williams for the enrollment of her three minor children, William, Elmira and Rosa Lovett, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Chairman.

Enc. D-24

180

IN THE MATTER OF THE APPLICATION OF

Annie Lovett Hall

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 24, 1900

B. mem. of application " 24, 1900

C. Certificate of marriage

Notice of final consideration

Supplemental testimony and
order closing testimony and order

OCT 11 1900

Cher D 181

Cher D 181

10/8/

COMMISSION TO THE LAY CHURCHMEN

FILED

SEP 4 1900

77-2-1-100

Q Now, did you say that the man who was with you at the time of the shooting was a man who was a member of the states of the United States?

A No sir.

[illegible]

Q Did you ever see Muskogee Representative Hastings?
A Yes, I was married in North Carolina.
Q Did you ever apply for an application for a school in Muskogee.
A Yes, my post-office address? A Waxhaw, North Carolina.
Q Did you ever see him at the present time in Muskogee? A No sir,
I was spending the summer with his friends in North Carolina.
Q Did your husband ever be in the Indian Territory? A No sir

Con'r Needles: The name of Cleo T. Reid appears upon the pay roll of 1894; examination of the rolls now in the possession of the Commission, her name is not found upon any other; she avers she was married to James W. Reid in December, 1899, and that she was admitted to citizenship with her father in the year 1883, but has no certificate of admission; final judgment as to the propriety of her enrollment of said applicant will be suspended and her name placed upon a doubtful card; applicant is advised that this Commission certified copy of the decree of the Cherokee council admitting her to citizenship.

...being first duly sworn, states that as stenographer to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof. *mo*
Subscribed and sworn to before me this 1st day of Sept. 1900.

Commissioner.

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BEST AVAILABLE COPY

101


COMMISSION TO PRESERVE AND
P.L. 60
MAY 11 1902

D. 181.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

In the matter of the application of Glee T. Reed for the
enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 4,
1902, that her case would be taken up for final consideration by the
Commission on the 20th instant, and that she could on said day appear
and introduce any additional testimony affecting her case. She has
been called three times and fails to respond either in person or by
attorney, and the case is closed.



Commissioner.

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Cherokee D-181.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 30, 1906.

In the matter of the application of Cleo T. Reid for the enrollment of herself and child Thompson Reid as citizens by blood of the Cherokee Nation.

Supplemental to D-181.

Applicant appears by Milton K. Thompson.

Said Thompson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Milton K. Thompson.
- Q What is your age? A 31.
- Q What is your postoffice address? A Muskogee.
- Q Are you acquainted with the applicant in this case, Cleo T. Reid?
- A Yes, sir.
- Q How long have you known her? A About 23 or 4 years.
- Q What relation if any do you bear to the applicant? A A brother.
- Q What was the name of her father? A Gilbert T. Thompson.
- Q What was her mother's name? A Josephine A.
- Q What is the present postoffice address of the applicant? A Charlotte, North Carolina.
- Q How long has she been there? A She has been there for about two or three years, I don't know exactly, she is there with her father. About three years since she was there.
- Q When was she married? A She was married three years.
- Q Has she been living there continuously for the past three years?
- A Yes, sir.
- Q Where was she born? A Born in Tennessee or Georgia; Tennessee I think.
- Q When did she first come to the Cherokee Nation? A In '81 or '2.
- Q How long did she continue to reside here after that time? A Something like one and a half years or two years.
- Q Has she ever made her home, her actual residence, in the Indian Territory since that time? A She has, only her husband is teaching school and she goes with him.
- Q Well, prior to her marriage? A Never considered anything else except the Indian Territory as her home.
- Q Has she ever lived here since that time? A She has been here, only just to come for a short time. She has been here several times about her property.
- Q How long did she stay during these times? A Probably two or three months some times.
- Q Has she ever kept house in the Indian Territory? A No sir, not since they have been married.
- Q Did her parents ever keep house here after their admission with the exception of that one year or one and a half years they resided here? A No sir, her father is a preacher and he goes where he has work.
- Q Is there anything else you would like to state about the case?
- A Except just this, they have always kept up their property rights here and have always considered this as their home, and her husband made application for a school out here this last year a year ago; he didn't get it and of course had to stay out there and teach. He expects to come here this fall if he can get anything to do; he is a professional man. Up to the time of her marriage she was in school continually, and was with her father and is at all living with him, who is a minister, and living there on account of his church work. I believe that is all.

2- Cleo T. Reid-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothenberg

Subscribed and sworn to before me this 3rd day of September, 1902.

B. E. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-181.

In the matter of the application of Cleo T. Reid and Thompson
Reid for enrollment as citizens by blood of the Cherokee Nation.

DECISION.

--:0:--

The record in this case shows that on August 24, 1900, Cleo T. Reid appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 30, 1902. An affidavit was filed in May 22, 1902, showing the birth of Thompson Reid since the date of the original application.

The evidence in this case shows that the applicant, Cleo T. Reid, nee Thompson, was twenty-four years of age at the date of her application herein, and that she, with others, was admitted to citizenship in the Cherokee Nation on September 3, 1883, by the duly constituted authorities of said Nation; and she is identified on the 1894 Cherokee Strip Payment Roll. She was a minor when admitted, and the evidence shows that, about a year and a half after her admission, she removed with her parents from the Indian Territory. In December, 1899, applicant was married to one James W. Reid, a white man. The minor child, Thompson Reid, is the issue of said marriage, and he is identified by a birth affidavit, made a part of the record herein.

The evidence further shows that the said Cleo T. Reid left the Indian Territory some time in 1885, and since that time has made infrequent visitations thereto, but has never permanently removed to and resided therein. The minor child, Thompson Reid, since birth, has lived with his mother, and his residence is governed by hers.

Paragraph nine, Section twenty-one, of the Act of Congress approved June 23, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Cleo T. Reid and Thompson Reid, as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. H. H. H.
Acting Chairman.

W. H. H. H.
Commissioner.

Dated at Muskogee, Indian Territory,

W. H. H. H.
Commissioner.

this FEB - 2 1902

CR 745 ✓

CX 181

COMMUNICATIONS SECTION
FILED
AUG 7 1903

RECEIVED

ORIGINAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 28, 1903.

In the matter of the application for the enrollment of
Cleo T. Reid and her son, Thompson Reid, as citizens by blood of
the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ALLISON THOMPSON, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Allison Thompson.
- Q How old are you? A 37.
- Q What is your postoffice address? A Cleburn, Texas, for the present; I am down there temporarily.
- Q Are you an applicant for enrollment by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Do you know Cleo T. Reid? A Yes sir.
- Q Are you any relation to her? A Brother.
- Q Has she a son named Thompson Reid? A Yes sir.
- Q Where does she live now? A She's in Gastonia, North Carolina.
- Q What is her husband's name? A His name is Walker Reid; I believe J. W. Reid.
- Q He is living? A Yes sir.
- Q He is a non-citizen? A Yes sir.
- Q She is living with him? A Yes sir.
- Q Mr. Thompson, you and the other members of your father's family were readmitted to citizenship in the Cherokee Nation in 1883 were you not? A Yes sir; one of them was born here after the admission.
- Q How soon after you were readmitted did you move to the Territory? A We were here when we were admitted.
- Q You were living here at that time? A Yes sir.
- Q From 1883 how long was it before your sister, Cleo T. Reid, left the Cherokee Nation? A In '84. She went to school in Springfield; Missouri; went to college.
- Q Who was she making her home with then, her father? A Yes.
- Q She was a minor at that time, was she? A Yes.
- Q How long after '83 was it before your father left the Cherokee Nation? A Well he went at the same time, '84; went up there to send her to school, there being no schools here.
- Q When did your sister remove to the Nation again? A Well, she has never been back any to live here I guess. Been back, but not to live.
- Q Where was she married? A North Carolina.
- Q Had she been making her home with her father up to the time she was married? A Yes. She didn't a year I believe but she considered that her home; she taught a year.
- Q She considered her father's home her home? A Yes.
- Q And had she made her home in the Cherokee Nation until he left here in '84 and before she married? A She had not lived here.
- Q She had never kept house in the Cherokee Nation? A No.
- Q And since 1884 has never had a home here? A No. If you call her home her residence; she has had property here.

- Q What business or profession does her husband follow? A He was, until just a short time ago, teaching school; had to quit on account of his health.
- Q When Mrs. Reid left here in '84 with her father, did she have any property in the Cherokee Nation? A Not individually; she did as a minor with him.
- Q You mean by that she had an interest in the property he had?
- A Yes.
- Q In other words your father and his family jointly owned property? A Yes.
- Q What did that property consist of? A Well, we had property here in Tahlequah, town property; well, it was not all town property then; it was town property and country property at that time. Then we had a ranch in Cooweescoowee District when we left here, several thousand acres, in addition to what we had here.
- Q You had then some property in Tahlequah and some farm property near Tahlequah and the ranch in Cooweescoowee District?
- A Yes, that is my recollection of it; I don't know whether he had disposed of this in town or not before he left, but he had that other one at the depot and then we had a large ranch near Adair, between Adair and Pryor Creek on both sides of the railroad, extending two or three miles on the west side and probably half a mile on the east side, and several thousand head of cattle.
- Q Did you have some cattle on the ranch? A Several thousand head.
- Q What was done with that property when your family left?
- A We kept it for a while until that break in the prices of cattle came and that kinda swamped us.
- Q Was that farm property and the ranch property rented or who had control of it? A I don't know who controlled it just at that time; I think Dr. Fite. My recollection is that he had charge of it.
- Q Did you derive revenue from this property all the time until you parted with it? A I don't know; I was a boy at that time.
- Q Do you own that property now? A No. We have another one that we exchanged that for.
- Q In what year did you make the exchange? A I don't recollect; about--- somewhere in '92 I think; been 10 or 12 years ago since we made the exchange.
- Q What property did you receive in exchange? A We got a ranch near Adair, about two miles and a half, which we now own. We exchanged for the reason that we thought we would take in a body altogether as much land as we could all hold together, and the one we had was too small and we could not get it all in a body, and the one at Adair had enough in it for the whole family to allot together and that is why we got it.
- Q Does Mrs. Reid still own an interest in that property?
- A Yes sir.
- Q She has no personal property or property of any kind except an undivided interest in that ranch? A That's all.
- Q But since her readmission to citizenship she has had an undivided interest in farm property and the ranch and cattle, up to the present time? A She has. Her interest in the property has continued unbroken.
- Q Either in the property that you owned when you were readmitted or the property that you have acquired by exchange?
- A Yes sir.
-

Examined by J. C. Starr:

- Q Who was the father of Cleo T. Reid? A G. T. Thompson.
- Q How long had he been living in the Cherokee Nation before he was readmitted in '83? A Well, I don't know just how long; he was here in August a year; I don't know, July or August.
- Q When did he leave here? A Just before school commenced at Springfield, Missouri; he went there to send us to school.
- Q What year? A '84.
- Q What time of the year? A About the last of August or first of September; it was between the 1st and 15th I think when school opened.
- Q Did I understand you to say that you came here and staid about a year during which you were readmitted and then left the country? A No, you see we came from Tennessee here in '83 and as soon as we got here, as soon as we could, we applied for admission; I don't know what was the term; and he came----- We were admitted by act of Council in the fall of '83.
- Q That was the following autumn? A Yes sir.
- Q Then where did he go? A Springfield, Missouri.
- Q Now what property did Gilbert T. Thompson own at the time of his readmission to Cherokee citizenship? A I don't know; he just came here, was Pastor of the Presbyterian Church here and didn't have any property when he came here, but he got hold of this ranch up here, part by purchase and part of it he just took like anybody else and put up a house and fences and then purchased cattle and put on and machinery to run it.
- Q What is the property he owned in Tahlequah? A Consists of a house, standing up there now by the depot, two-story house and several acres back of it.
- Q I mean inside of Tahlequah? A Then he owned a house this side of that about two blocks; that was in town.
- Q I believe you stated there was a farm near Tahlequah? A Well, that was the two-story house.
- Q What interest did Cleo T. Reid have in all this property? A Well none, except she was a child.
- Q She didn't own any property in her own name? A No, she didn't own it in her own name.
- Q Did she live with her father in '84? A Yes sir.
- Q And has she ever lived in the Cherokee Nation since that date? A No sir.
- Q Where was she living when she was married? A North Carolina.
- Q Where has she lived since that? A North Carolina.
- Q Has she owned any property in her own right since she was readmitted to citizenship? A No, except this property; it was understood among us that she had a common interest in the houses and things of this nature, and the money paid for them.
- Q Who controlled this property? A I had charge of it; my father was absent and the boys gave me charge of it and I looked after it until Doctor Thompson came to the Territory and when he came I turned it over to him. Paid taxes on city property here.
- Q In whose name were the taxes paid? A G. T. Thompson.
- Q In whose name did you collect the rent? A His name, on the Squaw Hollow Ranch.
- Q What did you do with the money when you collected it? A Divided it up; sent it to him and he divided it among the other children.
- Q Who did you send it to? A G. T. Thompson.
- Q He has controlled this town property and this farm continuously since '83? A I think so.
- Q Then Cleo T. Reid has not property except this property which you think she has a right to in Indian Territory, has she? A No; deeds were never made out; never had deeds made.

By the Commission:

- Q Has Cleo T. Reid ever received any of the revenue from this property which you state is owned by your father and the members of your family? A Well, I don't know; I never paid in anything; I sent it to G. T. Thompson.

By J. C. Starr:

- Q Did I understand you to say that she has no property in her own name in the Cherokee Nation at this time? A Yes, I suppose so.
- Q You mean she does not own any? A She has no deed of any kind; we didn't take deeds.
- Q No deed has been made by W. T. Thompson? A No.
- Q G. T. Thompson still controls the property does he?
- A Yes; I could not say that he stays----
- Q He ~~was~~ is agent? A Yes sir. It has always been understood amongst us that if a division should be made, father and the children----
- Q But there has never been a formal division? A No, all hold in common.

GILBERT T. THOMPSON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A G. T. Thompson.
- Q Gilbert T.? A Gilbert T. Thompson sir.
- Q How old are you? A 56.
- Q What is your postoffice address? A Tahlequah.
- Q Are you the father of Cleo T. Reid? A Yes sir.
- Q You have heard the testimony of Allison Thompson I believe, as to collecting revenue from property that was owned by you and your family in the Cherokee Nation and sending it to you. When the revenue from that property was received by you what disposition did you make of it? A Well, daughter, Cleo T. Reid, has always gotten her part; it has always been understood that she did; of course I paid all her expenses even after she got out of school and she considered that her property in common with ~~the~~ son here and the family; they held the property rather in common.
- Q Since she has married, has she received a part of the revenue from this ranch? A Well yes, she has received a part just about like the other boys have; we have not made much off of it really; we had a good deal of expense and had to pay out a great deal and there has been very little coming in. In exchanging ranches, as my son was telling you, we paid several thousand dollars difference between them; we took what we supposed we could allot when the division should come and it was not large enough so we gave considerable difference and took another. But what we made on this place has not been divided; it only went to pay the difference.
- Q The first property that you owned here, did you receive revenue from that regularly after you left the nation? A Yes sir, until we sold it.
- Q You had it rented, did you? A Yes sir.
- Q You never had an accounting with any of your children as to the disposition you made of the revenue from that first place, did you? It was simply used in the support of the family?
- A Yes sir, that was the way. When I left here all my children ~~were~~ were under age and as their father I held all this property and managed it for them and as they came of age, they did

not divide it; we consider it all ours and when there is anything to divide we divide, and when there was nothing and we had to pay the difference, we just paid it and that is the way the thing has gone.

- Q Since your daughter has married, have you accounted to her regularly for any certain proportion of the revenue for that place? A Well, no sir; that is, not as I would to a stranger; we have talked it over and she owns her interest in it, but we have not been as we would be with strangers.
- Q The accounting has been all of an informal nature? A Just of an informal nature, yes sir.
- Q She knew that there was a balance of the purchase price still owing on the ranch and that the revenue was being applied to the reduction of the debt on the place? A Yes sir.
- Q She still owns an undivided interest in that property?
- A Yes sir. We have only one that is still a minor; and we have one at Muskogee who has become of age; he is younger than his sister and he owns an undivided interest; all just alike; she has owned it just like the others have owned it.
- Q She had an interest as one of your children in all of the property that the family has owned here? A Yes sir, all the time, so it was understood.
- Q When you were readmitted, what property did you own?
- A None at all here.
- Q How soon after you were readmitted did you acquire some property? A Well, I came here in August; I was admitted some time in the fall, I think it was October or November, the assembling of the Council in 1883, and I began to accumulate property a little before I was admitted, August I think, because I was certain I would be and had no trouble whatever, and I had some money and bought several places.
- Q When did you acquire that ranch, the first one? A Well, as near as I remember it was in the late fall of '83, about November.
- Q You left here about September, '84? A Yes sir.
- Q You left that property as well as the Tahlequah property in control of an agent? A Yes sir, rented.
- Q When did you acquire the Tahlequah property? A Well, I think it was just a little while before I was admitted that I built this house up here where Mr. Hudson lives. That was in Tahlequah; it was town property at that time.
- Q You exchanged the ranch you first bought for the one you now have, did you? A Yes sir.
- Q And you still have the ranch that you acquired in exchange for the one you first owned? A Yes sir, we have kept it.
- Q And it is understood that Cleo T. Reid owns an undivided interest in that ranch and the cattle? A Just as all the others do, yes sir.
- Q Does she own any other property here? A No sir.
- Q Has she ever owned any other property? A No, not more than any of the other children.

By J. C. Starr:

- Q Who paid for the property you purchased after you were readmitted? A I paid for it.
- Q Cleo T. Reid was then Cleo T. Thompson? A Yes sir.
- Q Did she own part of the property? A Well, not more than the boys did; they were under age, but she paid for it the same as they did.
- Q How did they pay for it? A Through me. She had no individual money, only what I had for her.

- Q And therefore she didn't pay in anything or acquire it only as being your child? A That's it.
- Q When did you sell your cattle and horses you speak of having on the ranch and how long did you keep them on the ranch?
- A I could not tell you.
- Q About when did you dispose of them? A Well, I suppose I was about four years disposing of the bulk of them.
- Q After you left the Cherokee Nation? A Yes sir. We didn't dispose of them because we didn't want to keep them, but because we had to. We disposed of some of them and some died.
- Q Well, say five years after you left the nation, had you disposed of all your horses and cattle, except those that died?
- Q Well, I suppose we had.
- Q Well after you disposed of that property what did you have?
- A We had the ranch; we leased out property out for a little while and then we made this exchange paying a large difference and what we got for leasing went to pay this difference, except a few hundred dollars; we got a little revenue.
- Q You leased the place out and applied the money on the new place?
- A Yes sir.
- Q Well, how much money did you put into the new place besides the revenue to pay the difference when you traded places?
- A Well, it is a difficult matter to tell; the improvements we had put on the place we considered to be worth about eight or ten thousand dollars and we traded for a place that was worth about fifteen or eighteen thousand so that we paid that difference you know in the rents that we got.
- Q How did you pay the balance of the money that was due on the price of the new place? A Well, we got \$1200.00 rent and there was \$5000.00 difference between the two places and we agreed to pay \$1000.00 a year on the property that we swapped for and he got it out of the rent, and we rented him the place.
- Q The point I am trying to make is, did you pay anything for this new place of your own funds? A The new place, that bought the old place.
- Q Well, did you put up any money of your own in that deal?
- A Why, yes, of course.
- Q When you exchanged places? A Well, you see this place, the smaller one, was ours.
- Q No money paid whatever for the second place? A No sir. Only our first place went and the difference of a thousand dollars a year.
- Q There was no cash involved in the transaction? A No sir. You see we got that place for five thousand dollars difference; we traded the first place for the ranch near Adair; it was considered worth twelve hundred dollars a year rent, which was very little of course; land was worth very little at that time. And now we gave this Squaw Hollow Ranch for the Patton Ranch and this five thousand dollars difference was to be paid annually, a thousand a year, out of the rents of the place; we received no rents you see. Well, we did receive two hundred and fifty dollars every year in money. That is he paid us twelve hundred and fifty and two hundred and fifty of that was in money and the other was the difference between the Squaw Hollow Ranch and this ranch.
- Q Mr. Thompson, you exchanged your first ranch for the one you now own and gave five thousand dollars ~~difference~~ boot and the five thousand dollars boot came out of the rents for the ranch you now own, a thousand dollars a year? A Yes sir.
- Q And when was this trade made? A That trade was made about five years ago.

- Q Does Dr. Fite still control that place? A Well, he still has it rented, time is not quite out.
- Q When is the time out? A This fall.
- Q And have you any other property on that place other than just the place? A No sir, I have no stock, nothing but the houses and barns. All the property I have.
- Q Has Cleo T. Reid paid anything into this property herself?
- A Yes, she has paid just like the boys have paid. The thousand dollars was considered--- one-seventh of that was considered hers and she has consented for one-half of that to go annually for the payment of this ranch and she owns her interest in the larger ranch just as the boys do and it is so understood.
- Q That is to say, she owns it when you get it paid out? A Yes, she owns an interest.
- Q And the place is paying itself out? A Yes sir.
- Q Well, she has never furnished any cash to pay on that has she?
- A Yes, she has furnished a little cash.
- Q How much? A Well, I couldn't tell you; we drew the head-right money and a small part of what she drew went in payment for improvements.
- Q About how much? A I suppose about fifty dollars, just paid her part of it; I couldn't tell you the amounts; her part as one of the members of the family.
- Q Has she ever lived in the Cherokee Nation since 8'4?
- A No sir.
- Q Where does she live now? A North Carolina.
- Q How long has she been living there? A About five years.

By the Commission:

- Q Mr. Thompson, you spoke of using some of the strip money you drew for your daughter, Cleo T. Reid, to improve this ranch?
- A Yes sir.
- Q For how many members of your family did you draw strip money?
- A For myself and three minors.
- Q Was there any money used that was not a part of that strip money? A I paid in \$2250,---\$1250 was money of course that I had---on the improvements of this new larger ranch, and \$1000, 1/4 mine and 1/4 daughter's. I remember now that I did put in \$1000, or 1/4 of it for each of the children, and when I said \$50I did not remember this.
- Q So you think now that, of the \$1000 of strip money you paid in for improvements, there was about 1/4 of that amount paid for Cleo T. Reid? A As she and Gilbert T. Jr., and Matthe were still with me at home I drew their money and I used it for them to improve the place. It was for all of them.
- Q You used a thousand dollars of the money that you drew for yourself and these three children? A Yes sir.

By J. C. Starr:

- Q Have you settled with her for the balance of the strip money?
- A Well now, there was mighty little balance. No, I made no settlements.
- Q Made no settlement with the other minor children?
- A No sir. We have been holding things a little in common.
- Q Still holding the property in the same way?
- A I suppose you might call it that way.

Q And you have the charge, have you?
A Well, no.
Q Well, through Dr. Fite?
A He is only a renter.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 30th day of July, 1903.

Samuel Foreman

Cherokee D 181.

(R 8118)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cleo T. Reid for the enrollment of herself and her minor child, Thompson Reid, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 24, 1900, Cleo T. Reid appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Subsequent to the date of her original application, she filed with this Commission an affidavit as to the birth of her minor son, Thompson Reid, and the same is made a part of the record herein. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, August 30, 1902. The record further shows that on February 2, 1903, the Commission rendered its decision in said case which, on March 11, 1903, was approved by the Department; that afterwards a motion for rehearing was filed by the attorneys for the applicants; that on June 13, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for further proceedings and readjudication; and that further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on July 28, 1903.

The evidence shows that the applicant, Cleo T. Reid, was twenty-four years of age at the date of her application herein; that she, among others, was admitted as a citizen by blood of the Cherokee Nation on September 7, 1883, by the duly constituted authorities of said Nation; that she is identified on the 1894 Cherokee strip payment roll, under her maiden name, Cleo Thompson. The said Thompson Reid is the son of Cleo T. Reid, born since 1896, and is identified by a birth affidavit made a part of the record herein.

The evidence further shows that about 1883 the said Cleo T. Reid in good faith settled in the Cherokee Nation and resided therein until 1884, at which time, she left said Nation and has never since resided therein; that about 1883, which was during her minority,

she acquired an interest in a farm in the Cherokee Nation from which she has periodically received a share of the rents and profits; and that she has maintained such interest up to and including the date of her application herein.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain, et al. (I.T.D. 2900-1903), that Cleo T. Reid and Thompson Reid should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Lamo Bixby.

Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,
this 10 OCT 9 1903

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYDSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE D-181

Muskogee, Indian Territory, February 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, rejecting the application of Cleo T. Reid for the enrollment of herself and her minor child, Thompson Reid, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

Enc. M-439

COMMISSIONERS

JAMES BIXBY,
THOMAS H. NEEDLES,
C. R. BRICKKIRIDGE,
W. L. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALL IN REPLY TO THE FOLLOWING

Cherokee D-181

Muskogee, Indian Territory, March 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, rejecting the application of Cleo T. Reid for the enrollment of herself and her minor child, Thompson Reid, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 11, 1903.

Respectfully,

Charles M. Smith
Charles M. Smith in Charge

JOHN W. HARRIS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRICKNIDLE
W. E. STANLEY

ALLISON L. AYLEWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING.

Tahlequah, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on June 13, 1903, the Secretary of the Interior remanded for the taking of further testimony the application of Cleo T. Reid, et al, for enrollment as citizens by blood of the Cherokee Nation, Cherokee R.848, (D.181).

Evidence is particularly required as to what property the principal applicant has owned in the Cherokee Nation during her absence therefrom. She has this day been notified that any further testimony she may desire to introduce may be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 21, 1903.

Respectfully,

C. R. Bricknidle

Commissioner in Charge
Cherokee Land Office.

MH

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-181.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Cleo T. Reid for the enrollment of herself and her minor child, Thompson Reid, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-74

Chairman.

mf4

COMMISSIONERS
JAMES BIXBY
THOMAS H. NEEDLES
C. R. BREECHINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-848

ALLISON L. AYKSWORTH
SECRETARY

Muskogee, Indian Territory, March 31, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 9, 1903, granting the application of Cleo T. Reid for the enrollment of herself and her minor child, Thompson Reid, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 21, 1904.

Respectfully,



Commissioner in Charge.

~~11 114~~

~~181~~

~~IN THE MATTER OF THE APPLICATION OF~~

~~Alec J. Reid~~

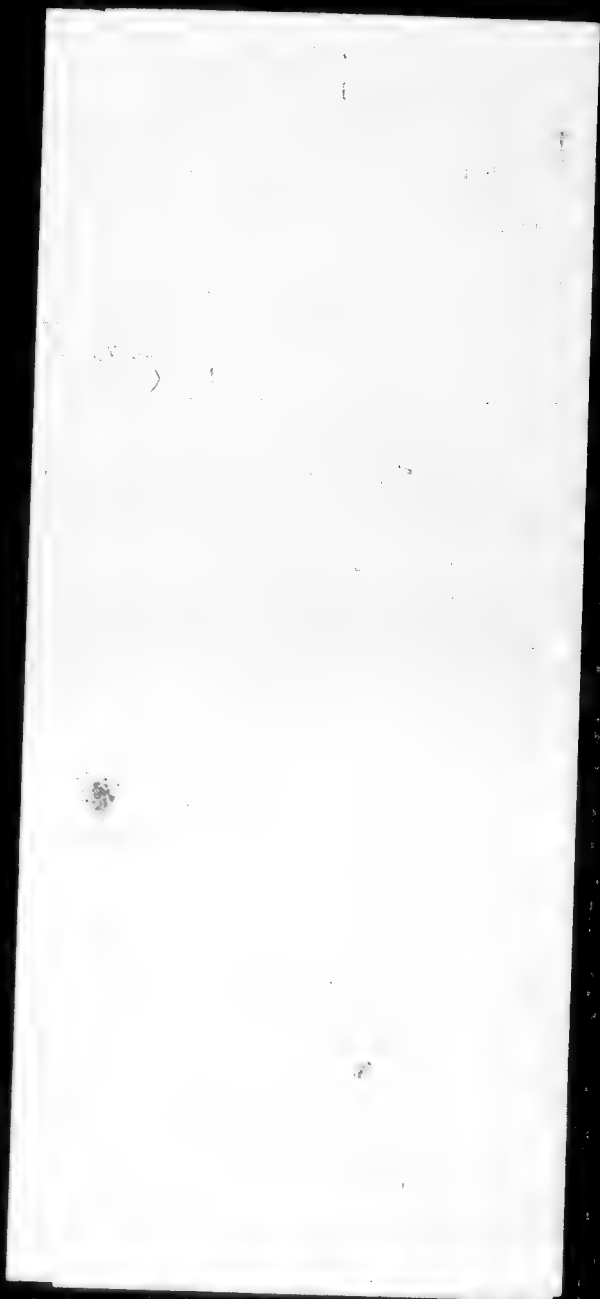
~~FOR ENROLLMENT AS~~

~~CHEROKEE CITIZENS.~~

- ~~A. Original testimony August 24, 1900~~
- ~~B. mem of application " 24, 1900~~
- ~~C. Certified copy of record of admission.~~
- ~~Notice of final consideration~~
- ~~D. Order closing testimony, Feb. 20, 1902~~

Cher D 182

Cher D 182



Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 24, 1900.

In the matter of the application of Lemuel Wicked for the enrollment of himself, wife and child as Cherokees by blood; having sworn and examined by Commissioner Hordless, he testified as follows:

- Q What is your name? A Lemuel Wicked.
Q How old are you? A 51.
Q What is your post office address? A Bennett.
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or adoption? A By blood.
Q What do you claim of blood do you claim? A 1/4.
Q For whom do you claim? A Myself, my wife and two children.
Q What district do you live in? A Canadian.
Q How long have you lived there? A 12 years.
Q How long have you lived continuously in the Cherokee Nation?
A About 12 years I guess.
Q Is your name on the roll of 1880? A No, sir.
Q By what right do you claim citizenship? A I was admitted in 1882.
Q Have you got a certificate? A Yes, sir.
Q What is your father's name? A Jack Wicked.
Q Is he living? A No, sir, he is dead.
Q Is his name on the roll of 1880? A No, sir.
Q Is he a white man? A No, sir, a Cherokee.
Q What year did he die, before 1880? A No, sir, he didn't die before 1880, he died about 12 years ago.
Q What was your mother's name? A Jane Wicked.
Q Is she living? A No, sir.
Q Was she a citizen when she died? A No, sir, she was a white woman.
Q What is your wife's name? A Ruth.
Q How old is she? A 48.
Q Was she admitted when you were? A No, sir, she was raised here.
Q She is a citizen by blood, is she? A Yes, sir.
Q When did you marry her? A About 12 years ago.
Q What was her name when you married her? A Ruth Franks, she was a widow when I married her, her maiden name was Sheppard.
Q What was her father's name? A Jack Sheppard.
Q Is he living? A No, sir, he is dead.
Q When did he die? A He has been dead 25 or 30 years.
Q The name of her mother? A Josephine.
Q Is she living? A No, sir, she is dead.
Q Did she die before 1880? A Yes, sir.
Q What are the names of your children under 21? A Alpha Ochoa, ten years old.
Q That is the next? A The next is a little orphan boy I have been raising.
Q That is the only one of your own? A Yes, sir.
Q Is this child alive and living with you? A Yes, sir.
Q You present a certificate of admission, from the office of the Commission on Citizenship of the Cherokee Nation, dated September 5, 1900, in which the name of Lemuel Wicked appears, the certificate being signed by Thomas Teague, President of the Commission, by Alex Wolf and S. F. Thompson. It appears to be in this form: Are you the identical Lemuel Wicked mentioned in this certificate? A Yes, sir.
(On 1880 roll, page 81, No. 2248, Lemuel Wicked, Canadian district.)
Q What was your wife's name in 1880? A Franks.
Q Your wife's name is not found on the roll of 1880? A I don't think it is.
Q Under what right does she claim citizenship? A I don't know, she was on all the other rolls taken except the roll of 1880, she has told me that her name wasn't on the roll of 1880.

Leuel Wickes - 2.

Q Have you any certificate of marriage? A No, sir.

Q No proof of your marriage? A No, sir.

Q We can't enroll him then, is the fact on the roll of 1860 and you have got no proof of marriage, and we can't enroll your children. Can't you prove your marriage by anybody? A No, sir, there is nobody that seen me.

Q Where were you married? A In the States.

Q When? A About 11 years ago.

Q And you got a license? A No, sir, I didn't have any license, I got married by the priest.

Q It turns out she wasn't a divorcee. Where were you married by?

A I forgot the man's name.

Q Will you ever be in a bad fix. Has your wife lived always in the Cherokee Nation? A Yes, sir, ever since in the Cherokee District.

Q It is strange she wasn't on the roll of 1860? A I don't know at the time, she was in Texas.

Q Never had been readmitted? A No, I don't know how long she was there, I don't know how long she stayed out in Texas.

(On 1860 roll, page 31, No. 349, Ruth Wickes, Cherokee District. On the 1860 roll on 1860 roll, page 31, No. 1250, Alpha O. Wickes, Cherokee District.)

The name of William Wickes appears upon the census roll of 1896 and he presents a duly authenticated certificate of admission to Cherokee citizenship, or by his that he was admitted on the 25th of September, 1895. He avers that he was married to Ruth Frank, a Cherokee, about 1887 or 1888, but her name is not upon the roll of 1860. Her name is found upon the census roll of 1896, and this will, I believe, be O.K. Its name is found upon the census roll of 1896, and satisfactory proof having been made as to the residence of William Wickes, and he being duly identified according to the provisions of the roll's regulations in his testimony, he will be duly listed or enrolled as a Cherokee citizen by blood.

The name of his wife does not appear upon the roll of 1860, but does appear upon the census roll of 1896, as well as that of his child, Alpha O. He makes ~~no proof marriage~~ no proof marriage, having no certificate, and also makes no proof as to the actual citizenship of his wife Ruth, and consequently judgment as to their names will be suspended and their names will be placed upon a doubtful card.

Brum G. Jones, being duly sworn, says that he is a stenographer to the Commission and has duly civilized and has correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of the same and he so attests thereof.

Brum G. Jones

Subscribed and sworn to before me this 1st of September, 1900.

[Signature]

Commissioner.

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1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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20-111-2-1-13

Q. Now what is the name of the person who is the
A. Yes, I am not sure of the name, but I am sure of the name.
Q. Is the name of the person who is the name of the person?
A. Yes, I am not sure of the name, but I am sure of the name.
Q. Is the name of the person who is the name of the person?
A. Yes, I am not sure of the name, but I am sure of the name.

Q. Now what is the name of the person who is the name of the person?
A. Yes, I am not sure of the name, but I am sure of the name.
Q. Is the name of the person who is the name of the person?
A. Yes, I am not sure of the name, but I am sure of the name.

M. L. Green

R. L. Green



"R"

Cherokee D 182.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ruth Wicked et al., for enrollment as Cherokee citizens.

Appearances:

Lemuel Wicked, applicant's husband, for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

LEMUEL WICKED being first duly sworn, and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A Lemuel Wicked.
Q What is your post-office address? A Bennett.
Q Are you the husband of Ruth Wicked, who is an applicant before this Commission for enrollment? A Yes sir.
Q Have you any evidence as to your marriage to your present wife?
A No sir, none; there is no record of it.
Q Who married you? A Well the man is in Tennessee that married us, Williams, I don't know whether he is now or not.
Q Were you living in Tennessee at that time? A He was here at that time, I don't know where he is not; he may be dead.
Q When were you married? A In 1887.
Q Were you married under Cherokee license? A Yes sir.
Q Who issued the license to you? A We didn't have no license.
Q I thought you said you were married under Cherokee license?
A I was married under Cherokee law; we had no license.
Q Are you a citizen? A Yes sir.
Q Does your wife claim by blood or by intermarriage? A She claims by blood.

MR. HASTINGS waives CROSS-EXAMINATION.

- Q Any other statement you desire to make relative to your wife's application for enrollment? A I have got one witness here; here are some affidavits. (Produces papers.)
Q These people are living are they that signed these papers? A Yes sir.
Q Living at Webbers Falls? A Yes sir.
Q This Commission cannot take these affidavits.

GEORGE W. SHEPPARD, being first duly sworn, and being examined, testified as follows:

BY COMMISSION:

- Q What is your name? A George W. Sheppard.
Q How old are you? A About 45, or '6, as near as I can remember, I have got no record.
Q What is your post-office address? A Bennett.
Q Are you acquainted with Ruth E. Wicked? A Yes sir, I have been taught she was recognized as my sister.
Q Same father and mother? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Have you been regularly enrolled? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Is your sister older than you or younger? A Older than I am.
Q Where were you living when the roll of 1880 was made? A Why I was living in Canadian District.
Q Where was your sister living? A As well as I remember I think that was her home, but I think she was in Texas.
Q How long had she been there? A I think as nearly as I can remember she went sometime in '80 and came back the latter part of 1881, as well as I remember.

Q After her return to the Cherokee Nation do you know of your own knowledge whether she applied to the tribal authorities of the Cherokee Nation for re-admission? A I don't know anything about it.
Q You don't know whether she did or not? A No sir.

BY MR. HASTINGS:

Q Prior to that time had she lived here ever since the war?
A Yes sir.
Q And she lived here ever since '81? A Yes sir, I think so.
Q Don't you know? A Yes.
Q Well how near has she lived to you? A Well she has lived in about a couple of miles of where I live for about nine years.
Q Now how far did she live from you before that, say from '81 to '91 or '92? A Well about ten miles I guess, from ten to twelve.
Q Well now don't you know whether or not your sister lived there all the time, if it was within ten or twelve miles of you there ought not to be any doubt on that proposition? A Yes I think that she lived maybe part of the time on Spaniard Creek as well as I remember, and part of the time in the neighborhood of where I live.
Q Did you ever know of her living east of Canadian District since '81 since her return from Texas? A Not to the best of my knowledge.
Q Well don't you know? A (No reply.)

BY COMMISSION:

Q Can't you answer that question yes or no? A Well the question bothers me. She come to Muskogee, I don't know whether it was before '81 or afterwards, I don't know which; she has lived in Canadian District.
Q Do you know whether she has been out of the Territory since '81?
A Not that I know of.
Q If your sister would have moved back to Texas you would have been pretty liable to have known it, wouldn't you? A I think so.
(Applicant's husband asked by Commission if he desires to examine witness and says, No, sir.)

APPLICANT'S HUSBAND, LEMUEL WICKED, re-called and further examined, testified as follows:

BY COMMISSION:

Q Any further testimony you want to introduce to-day? A Nothing more than in Smith's case.
Q You close this case, do you, and submit it to the Commission?
A I guess so.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.

[Signature]

Commissioner.

PAB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ruth Wicked and her child, Alpha O., as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 24, 1900, Lemuel Wicked appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself, his wife, Ruth Wicked, and his minor child, Alpha O. Wicked, as citizens by blood of the Cherokee Nation. Lemuel Wicked has been differently classified, and is not embraced in this decision. Further proceedings were had in the matter of said application on August 30, 1900, at Fort Gibson, Indian Territory, and on February 20, 1902, at Muskogee, Indian Territory.

The evidence in this case shows that Ruth Wicked is the daughter of Jack Sheppard and Josephine Sheppard. An examination of the Cherokee authenticated tribal roll of 1880, in the possession of this Commission, shows that the said Jack Sheppard and Josephine Sheppard are identified thereon as follows:

Page 45, number 1256, John Sheppard, Canadian District.

Page 45, number 1254, Josephine Sheppard, Canadian District.

Ruth Wicked is not identified on the authenticated tribal roll of 1880, the evidence showing that she was visiting in Texas at that time, but she is identified on the Cherokee Census roll of 1896 as a native Cherokee. She was married to Lemuel Wicked about 1888, and her child, Alpha O., is the issue of that marriage. Alpha O. Wicked is identified on the Cherokee Census roll of 1896.


The evidence further shows that Ruth Wicked has resided in the Cherokee Nation all her life, excepting a visit of eighteen months in Texas, and that she and her husband and child were residents of the said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Ruth Wicked and Alpha O. Wicked should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 182.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

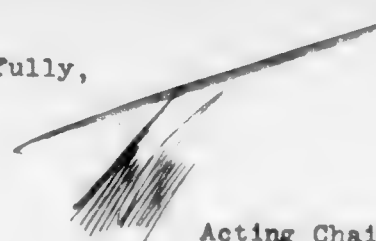
* Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Lemuel Wicked for the enrollment of his wife, Ruth Wicked, and his minor child, Alpha O. Wicked, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 70.

182

IN THE MATTER OF THE APPLICATION OF

Ruth Wicked & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 24, 1900

B. Mem^o of application " 24, 1900

C. Additional testimony " 30, 1900

D. Receipt for testimony

Notice of final consideration

Sup. test. and order of enrollment 2/20/02

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

Application for enrollment

La Cherokee Sackett B/S 1826

Enrolled

Cher D 183

Cher D 183

2183

1883

SEP 12

Version 2. 1. 1. - 1.

Samuel G. Jones, being duly sworn, deposes that he is a member of the
 the Commission to the Blue Civilized Territory in connection with the
 the Commission to the Blue Civilized Territory in connection with the
 the Commission to the Blue Civilized Territory in connection with the

Samuel G. Jones

Sworn to and subscribed before me this 1st day of June, 1900.

[Signature]
 Commissioner.

"R"

Cherokee D 183.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Vernon S. Smith for enrollment as a Cherokee citizen.

Appearances:

Lemuel Wicked, guardian of applicant;
W.W.Hastings, attorney for the Cherokee Nation.

1880 authenticated roll of citizens of the Cherokee Nation
examined for applicant's mother and identified as follows:
page 662, No.1031, Lekan Shepard, Saline District, 10 years old.

LEMUEL WICKED being sworn and being examined, testified
as follows:

BY COMMISSION:

- Q What is your name? A Lemuel Wicked.
Q Where do you live? A Canadian District, Cherokee Nation.
Q Are you the guardian of Vernon S. Smith? A Yes sir, I was
appointed guardian under the Cherokee law for him.
Q What was the name of his mother? A Lean Sheppard.
Q Was she a Cherokee? A Yes sir.
Q Did you know her? A Yes sir, I knowed her.
Q What district was she living in when the 1880 roll was made?
A I don't know unless it was Saline or Delaware; she I understand
was carried off up there when she was a child, up in some of them
upper districts.
Q Has this child always lived in the Cherokee Nation? A Yes sir,
never was out.
Q Living here now is it? A Yes sir.
BY MR. HASTINGS:
Q About how old would his mother be if she were living now? A
About thirty I guess.
Q Was the mother of this child a sister to your wife? A No sir,
she was a niece of hers, said to be.
Q You know that she was taken up there somewhere in either Dela-
ware or Saline? A That's my information; she was taken up there
when a child.
Q You know that she is dead? A No, she aint dead.

BY COMMISSION: It appears from the testimony in this
case that the mother of Vernon S. Smith, is duly identified
upon the authenticated roll of 1880 as a native Cherokee;
it is therefore directed that this card be cancelled and that
the name of Vernon S. Smith be transferred to regular
Cherokee card.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.

J. E. Smith

Commissioner.

183

IN THE MATTER OF THE APPLICATION OF

Vernon D. Smith

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony - August 24, 1900.

B. No. of application - 24, 1900.

C. Notice of final consideration

CANCELLED

See Cherokee Act 2182, 1926

Cher D 184

Cher D 184

0184

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 12 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I. T., August 24, 1900.

The location of the application of the blood for the purpose of the blood test was found to be on the left side of the body, on the arm, and was examined by the medical personnel as follows:

Q. How long has he been in the country? A. About 10 years.

... ?

Q. Did you not get off the bus? A. Yes.

1. What is the purpose of the "Inter-Departmental Conference"?

0.125 g/litre (125 mg/litre) 10? 1 g/litre.

Q. Did you ever see any evidence of the "Honey" label? A. Yes.
I saw it on the 17th.

1. How many children do you have? 2. How many children do you have?

Q. Yes, but I don't know if you're talking about the same thing. I'm not, sir.

Q. Are you married? A. I am not now, we are not living together.

Q Now were you married to Mr. Hood? A It has been about 12 years.

Q What was his name? A John Hood.

Q. Is he a citizen of the Cherokee Nation? A. Yes, sir.

Q What was his father's name? A Jim Hood, I think.

Q. Have you any certificate of marriage? A. Yes, sir.

Q What was his mother's name? A Lydia, she was a white woman.

Q How long was your marriage? A In 1898.

Q How long did you lived with him? A I lived with him until my baby was about 15 months old.

Q How long have you been born? A Ten years ago.

Q How long did you live with your husband? A About 18 months.

Q Is he living? A Yes, sir.

Q. Why are you not living with him now? A. I don't know.

Q. Have you separated? A. Yes, sir.

Q How often of you a divorce? A 16, 17.

Q. How you feeling now, since? A. No, better.

Q Did you leave him or he leave you? A He went away from home and told me he was going and never did go back.

Mr. C. W. Martin, representative of the Cherokee Nation? Did you have a home in that district? A Yes, sir.

Q It was his bag of A Yes, sir.

Q. You left that place? A. After he left, yes, and then went to my mother's place.

Q Why did he leave you? A I don't know.

Q. How old is the next one of this kind born of woman? A. She will be 14 years old the first of next January.

Q. What did you do with the gun after you found it? A. Yea, sir.

Q I'm living in a bad district, is it? A Yes, sir, I presume so, I haven't seen him for some time.

Q Where have you been living all this time? A In Canada, but

then I would go in.

Q. You have never listed out of the district? A. No, sir; well, I
want to visit my father.

Q You have never been arrested since? A No, sir.

Q What did you say was the reason he left you? A I don't know.

6 Your family relations been pleasant all of that time?

A Yes, 547.

Q He left you without any reason? A If he had, I don't know it.

Q What reason did he say he was going to quit you for? A He didn't say, he said he was going away and wasn't coming back.

Q Where did he go to, do you know? A No, sir, I don't.

Q How long did you stay there after he left? A I stayed quite a while, three weeks or such a time.

Q He didn't return and then you went to your father's? A I went to my sister's first and then went to my father's.

Q Has he ever contributed to your or your child's support since that time? A No, sir, he has not. Can I ask a question. I was

No. 1000 - .

told me that I had a little girl named Susan, the
grandmother to the child standing in the middle, and I had
been looking for her for a long time.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

S. I have never seen her.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

have never seen her.

Q. Did you ever see her? A. Yes, I did.

(S. I have never seen her.)

Q. Did you ever see her? A. Yes, I did.

that I have never seen her.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

(S. I have never seen her.)

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

(S. I have never seen her.)

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

Q. Did you ever see her? A. Yes, I did.

J. P. K. ...
COMMISSIONER TO THE CIVILIZED ...

FILED
MAY 11 1902

[Handwritten signature]

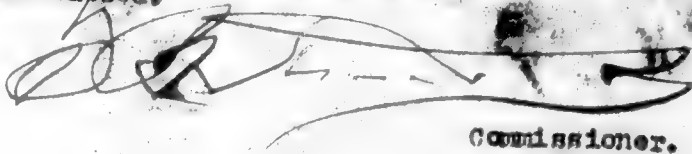
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D. 184.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 20, 1902.

In the matter of the application of Nora Hood for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1902, that her case would be taken up for final consideration by the Commission on the 20th instant, and that she could on said day appear and introduce any additional testimony affecting her case. She has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora A. Hood for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on August 24, 1900, Nora A. Hood appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child Maude Hood as a citizen by blood of the Cherokee Nation. Maude Hood has been differently classified and is not embraced in this decision.

The evidence shows that the said Nora A. Hood was lawfully married on November 23, 1889 to John Wood, a citizen by blood of the Cherokee Nation. The applicant and her said husband, John Wood, lived together for eighteen months or more after the marriage, at the end of which time he left her. They have not been living together since that time and applicant testifies that she knows of no cause for the separation. She has not re-married since such separation.

The evidence further shows that the said Nora A. Hood has resided in the Cherokee Nation for fourteen years, and was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Nora A. Hood should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.

this AUG 19 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 25th 1902.

In the matter of the application of Nora Hood for enrollment as a citizen of the Cherokee nation by intermarriage.
Cherokee D 184.

The Representative of the Cherokee Nation respectfully protests against the decision of the Commission enrolling the applicant as a citizen by intermarriage of the Cherokee nation and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case tends to show that Nora Hood who was thirty two years of age when she made this application married one John Hood whose name appears upon the eighteen hundred and eighty authenticated roll of the Cherokee Nation as a citizen by blood. She lived with the said John Hood for a very short time when a separation took place between them the cause of which is not satisfactorily established and she was told by the Commissioner in the field Mr. Needles : " I think it is probably necessary for you to get these witnesses," indicating certain witnesses referred who could prove the cause of her separation from her former husband.

The Cherokee Nation made every effort to get the said John Hood before the Commission to testify as to the cause of this separation but he was found to be dead as the records of the commission now disclose and hence it was impossible to get him.

The burden of proving that the applicant was entitled to recognition as a citizen of the Cherokee nation was upon the applicant and it is important in this connection that although the name of her child appears upon the census roll of 1896 her name does not appear thereon which shows that the census takers of Canadian District and the National Council adjudged that she was not entitled to be listed for enrollment as a citizen of the Cherokee nation by intermarriage.

In view of the fact that she was especially requested to bring witnesses before the Commission who would testify as to the cause of her separation from her husband and in view of the fact that her name does not

appear upon the roll of 1896 and it being impossible for the Cherokee nation to bring her former husband, he being dead, we submit that the applicant is not entitled under the circumstances to be enrolled as a citizen by intermarriage of the Cherokee nation.

Respectfully submitted,

W W Hastings JCS
Attorney for the Cherokee nation.

COMMISSIONERS
HENRY L. DAVIS
TAMM HIGGS
THOMAS B. HIGGS
C. R. BEE KINKADE

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ENTER IN REPLY TO THE FOLLOWING

Cherokee D 184.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Nora A. Hood for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 11.

IN THE MATTER OF THE APPLICATION OF

Nora Hood

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 24, 1900

B. mem^o of application - " 24, 1900

C. Marriage certificate

D. Notice of final consideration

Order closing testimony, Feb. 20, 1902

OCT 11 1907

See Cherokee Sac. 9-7
M. H. W.

Cher D185

Cher D185

DEPARTMENT OF THE INTERIOR *185*
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 28 1900

August 28 1900

Sallye Starr---8.

Q You have no proof then of your marriage? No, sir.
Q Anybody know that you lived together as husband and wife? A
No one here, but there is several out in my neighborhood.

Q In Needles:

The name of John Starr appears upon the census roll of 1880. His mother, Charlie Starr, a white woman, avers that she was married to William Starr in the year 1880, and the name of said William Starr appears upon the authenticated roll of 1880 as a citizen of the Cherokee Nation by blood. No satisfactory proof of the marriage being presented as to the marriage of the said William Starr to the said Charlie Starr, the mother of said John Starr, the applicant, but his name being found upon the census roll of 1880, final judgment as to the application of the said John Starr will be suspended, and his name will be placed upon a suspense card.

I, John G. Reason, being sworn, depose that as Commissioner to the Commission to the Five Civilized Tribes, I reported the proceedings on the testimony of the above named witness in full, and that the above and foregoing is a full, true and correct transcript of my statement in this matter.

John G. Reason

Subscribed and sworn to before me at the City of Oklahoma, this 10th day of June, 1900

J. H. [Signature]

1155

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 20 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PORT GIBSON, I. T., AUGUST 25, 1900.

D-186.

Supplemental testimony taken in the matter of the application of John Starr for enrollment as a citizen of the Cherokee Nation.

JOHN STARR, being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Starr.
Q How old are you? A 24.
Q What is your post office? A Briar Town.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know William Starr? A Yes, sir.
Q Do you know his wife Sallie, a Cherokee woman? A Yes, sir.
Q Do you know whether they were married or not? A I do not know whether they were married or not? They were recognized as man and wife.
Q How long have you known them? A All my life.
Q How long did they live together? A About 10 years.
Q Continuously until he died? A Yes, sir.
Q About what was his age when he was supposed to have married her? A I could not tell you.

W. W. Hastings, representative of the Cherokee Nation:

Q How far did you live from them? A About four miles.
Q You were frequently at their house? A Yes, sir.
Q They were relatives of yours? A Yes, sir.
Q This child, John Starr, was born while they were living together as husband and wife? A Yes, sir.
Q They were generally recognized as husband and wife? A Yes, sir.

EVA STARR, being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Eva Starr.
Q What is your age? A 25.
Q What is your post office address? A Briar Town.
Q You are a recognized citizen of the Cherokee Nation? A Citizen by marriage.

W. W. Hastings, Representative of the Cherokee Nation:

Q Do you know William Starr? A Yes, sir.
Q He is dead? A Yes, sir.
Q Do you know his wife Sallie Starr? A Yes, sir.
Q Her name is now Sallie Crane? A Yes, sir.
Q Were they ever married? A I could not tell you.
Q How far do you live from them? A About 2 1/2 or 3 miles.
Q They lived together as husband and wife? A Yes, sir.
Q They were generally recognized in the community as such? A Yes, sir.
Q Was John Starr born to them while they were living together as husband and wife? A Yes, sir.

John Starr---B.

This evidence taken subsequent to the Judgment given in this case, being satisfactory to the Commission as to the marriage of William Starr with his wife, Nellie Crane, and that the name of the applicant, John Starr, should be placed upon a straight card.

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The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes.

John O. Pearson

Subscribed and sworn to before me this 20th day of August, 1900.

C. M. H. H. H. Commissioner.

CONFIDENTIAL.

CONFIDENTIAL IN THE ABOVE CAPTIONED MATTER

It is noted that copies of this statement be filed with the
State of California Department of the State of California.

An investigation of the above captioned matter of John Brown

CONFIDENTIAL MATTER.

CONFIDENTIAL MATTER.

aw

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1902

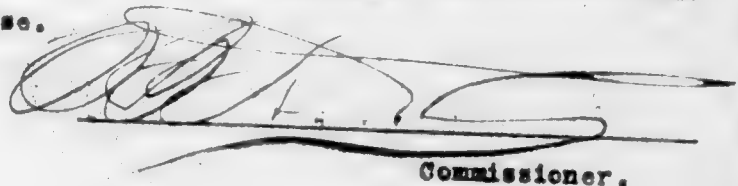
In the matter of the application of John Starr for enrollment as
a Cherokee citizen.

Supplemental Statement.

--oOo--

An examination of the Cherokee Census roll of 1896 shows
the name of Sallie Starr thereon as the wife of William Starr.

It is directed that copies of this statement be filed with the
testimony in the above case.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Starr as a Cherokee citizen.

On the 25th day of August, 1900, Sallie Crane appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her son, John Starr, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of John Starr was placed upon a "Doubtful" card awaiting further evidence of the marriage of his parents.

Further evidence has been submitted to the Commission and the following decision is rendered.

D E C I S I O N.

--oOo--

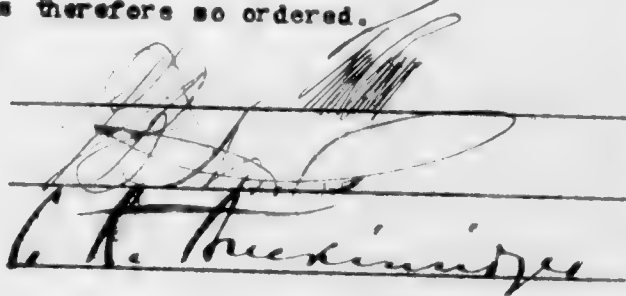
From all the evidence of record it appears that John Starr is the son of the applicant Sallie Crane. She testified that she was married to William Starr, a citizen by blood of the Cherokee Nation in 1889, by one Fairchild, a preacher. No marriage certificate was presented, but William Starr is identified on the authenticated tribal roll of 1880. Sallie Crane is identified on the Cherokee Census roll of 1896 under the name of Sallie Starr as the wife of William Starr, and the evidence shows that they lived together as husband and wife and were recognized as such in the community for about ten years. This is considered satisfactory evidence of marriage. John Starr is identified on the Cherokee Census roll of 1896, and this Commission is of the opinion that he is the legitimate child of said William and Sallie Starr. William Starr is dead and since his death his wife has married a man by the name of Crane. John Starr at the time application was made for his enrollment was nine years old and has lived in the Cherokee Nation practically all his life.

-2-

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that John Starr is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is therefore so ordered.

A handwritten signature in dark ink, appearing to read "C. K. Buckinridge", is written over two horizontal lines.

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRICKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Sallie Crane for the enrollment of her child, John Starr, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-185.

CHEROKEE

D185

John Starr

Transferred to Cherokee 9525.

Cher D 186

Cher D 186

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
ST. CINCINNATI, I. O., AUGUST 25th, 1900.

IN REPLY TO THE APPLICATION OF Henry Collins Junior for enrollment as a citizen of the Cherokee Nation, and he being sworn by Commissioner, S. E. Brackinridge, testified as follows:

- Q What is your full name? A Henry Collins Junior.
Q What is your age? A Twenty-two I think.
Q What is your Postoffice? A St. Gibson.
Q What is your district? A Illinois.
Q Who is it you want to have put on the rolls? A Henry Collins.
Q Just yourself? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived in Illinois District? A About fifteen years I guess.
Q What is the name of your father? A Henry Collins.
Q Cherokee or white man? A White man.
Q You say he is a Cherokee by blood, do you? A Yes sir.
Q Is your father living or dead? A He is living.
Q What is the name of your mother? A Milzorie Collins.
Q Was she a woman or Cherokee? A Cherokee by blood.
Q Is she living or dead? A Dead.
Q How long has she been dead? A About five years.
Q What district were you in in 1862? A Canadian.
Q Are you Henry Collins, Junior? A Yes sir.
Q Did your father live in Canadian when you were born? A Yes sir.
Q Did your father separate very early from your mother?
A Yes sir; separated when I was only four weeks old I think.
Q What was your mother's name in 1860? It was not Collins then, was it?
A No sir; I think she was living with Sam Horn.
Q Is he a Cherokee? A Yes sir.
Q Did you draw your money from him?
A No, my step father did for me; I did not.
(1894 Roll, Page 200, 1896, Henry Collins, Illinois District)
Q Where were you in 1862? A I was in Canadian; I was down there sick; was not able to leave.
Q What proportion of Cherokee blood do you claim?
A About one fourth.
Q Is Henry ~~the~~ all the name you have? A Yes sir.

The applicant is identified on the roll of 1894; and his mother is identified on the roll of 1894; both of them should be on the roll of 1860, according to the testimony; but neither of them are found on that roll. His mother died before the roll of 1894 was made. The applicant is not on the roll of 1896, which he states is due to his being sick at Canadian. His application will be placed on a doubtful card, for further consideration.

The undersigned, being sworn, states that he attended to the Commission to the above named trial, and he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me
on this 25th day of September, 1900.


COMMISSIONER.

DEPARTMENT OF THE DISTRICT
COMMISSIONER OF THE DISTRICT
F. L. M. D.
SEP 4 1903

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

2011. 11. 11. 11:11

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the root cause of the problem. Once the causes of the problem have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that are needed to implement the plan. Once a plan has been developed, the next step is to implement the plan. This involves taking the actions that are outlined in the plan and monitoring the progress of the plan. Finally, the last step in the process is to evaluate the results of the plan. This involves determining whether the plan has been successful in addressing the problem and identifying any lessons learned from the process.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

6. A. a. $\log \frac{1}{10} = -1$ $\log \frac{1}{100} = -2$ $\log \frac{1}{1000} = -3$ $\log \frac{1}{10000} = -4$ $\log \frac{1}{100000} = -5$

On 10/10/50, the following information was received from the New York City Police Department:

Q Do you think that may stand for your dead wife? A That's the

very difficult to

Q And I am sure,
A Yes, I am sure.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.

Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.

Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.
Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.

M. J. Green

Q And that is the only way to get the truth out of a man.
A Yes, that is the only way.

C. A. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Collins, Jr. for enrollment as a Cherokee citizen.

On the 25th day of August, 1900, Henry Collins, Jr. appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his name was placed upon a "Doubtful" card, because neither he nor his mother could be identified on the authenticated tribal roll of 1880.

Further evidence in that matter has been submitted to the Commission and the following decision is rendered.

D E C I S I O N.

--oOo--

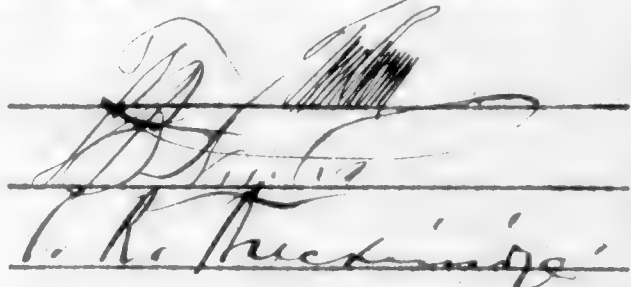
From all the evidence of record in this case it appears that Henry Collins, Jr. is the son of Malzarine Collins, whose maiden name was Cordray. She is identified on the authenticated tribal roll of 1880 at page 514, No. 359 as Malse Cordray. This applicant is also identified thereon, page 514 No. 560 as Henry Cordway. He is identified on the Strippayment roll of 1894, and has resided in the Cherokee Nation all his life.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been

lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Henry Collins, Jr. being duly identified on the authenticated tribal roll of 1880 is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is therefore so ordered.

A handwritten signature, likely of P. K. Buckner, is written over two horizontal lines. The signature is in cursive and appears to be "P. K. Buckner".

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

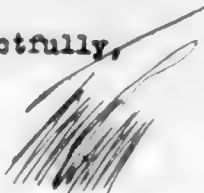
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Henry Collins, Jr., for enrollment as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-128.

D186

IN THE MATTER OF THE APPLICATION OF

Henry Collins Jr.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 25, 1900
- B. Memo of application - " 25, 1900
- C. Supplemental testimony " 25, 1900

Sept 17, 1902 Cancelled and
transferred to Series No.
9603

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DEPARTMENT OF THE
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUG. 25th, 1900.

IN THE MATTER OF THE APPLICATION OF Louisa J. Crane and children,
for enrollment as citizens of the Cherokee Nation, and she being
sworn by Commissioner, C. R. Brackinridge, testimony as follows:

- Q What is your full name? A Louisa J. Crane.
Q How old are you? A Will be fifty six, if I live until the 20th of September.
Q What is your Postoffice? A No town.
Q What is your District? A Canadian.
Q When do you want to have put on the rolls? A Myself and two children.
Q Neither of them are over twenty one years old? A No sir.
Q And both of them are unmarried? A Yes sir; at home with me.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A I can not tell you.
Q How long have you lived in the Cherokee Nation?
A Born and raised here.
Q Lived in Canadian District all the time?
A No sir; I have lived in Tahlequah and around.
Q When were you married; what was your name before it was Crane?
A Thompson.
Q Was that your maiden name? A Yes sir.
Q When were you married? A My husband has been dead six years the 17th of August, and I had been married twenty five years when he died.
Q About thirty one years since you married? A Yes sir.
Q What was your husband's name? A Jack Thompson John Crane.
Q Was he a Cherokee or white man? A White man.
Q You say he has been dead about six years? A Yes sir.
Q Give me the name please of your father? A Jack Thompson.
Q Was he a Cherokee or white man? A Cherokee.
Q Is he dead or living? A Dead.
Q How long has he been dead? A Over since I was three years old.
Q Now give me please the name of your mother? A Elizabeth Thompson.
Q Was she a Cherokee or white woman? A Cherokee.
Q Is she dead or living? A She is dead.
Q How long has she been dead? A She has been dead about twenty four years, as well as I can remember.
Q Now give me please the names of your children, beginning with the oldest? A Henry B. Crane.
Q How old is that child? A Twenty years old the 9th of last April.
Q He is on the roll of 1880, I suppose? A We registered in Tahlequah in 1880.
Q Was that child living in 1880, when you registered?
A Yes sir; he was just a baby.
Q What is the name of the next child? A Maud May.
Q How old is that child? A Seventeen years old the 10th of last May.
Q Your husband's name was John Crane? A Yes sir.
Q Did you draw your stipend money in 1894? A Yes sir.
(1894 Roll, Page 16, #407, Louisa Crane, Canadian District)
(1896 Roll, Page 15, #359, Louisa J. Crane, Canadian District)
(1896 Roll, Page 13, #360, Henry B. Crane, Canadian District)
(1896 Roll, Page 15, #361, Maud M. Crane, Canadian District)
(1894 Roll, Page 18, #408, Bolivar Crane, Canadian District)
(1894 Roll, Page 16, #409, Maud Crane, Canadian District)
Q Does the B in Henry B. Crane's name stand for Bolivar? A Yes sir.

By Mr. W. T. Hutchings, Cherokee Representative:

- Q When did you move to the Choctaw Nation? A I can not tell you; I stayed there -
Tell about when you moved? A I moved there; I did not have any

children then; I lived there ten years and moved back in 1890.
 Q Did you live there in 1875? A I can not tell you, for I never thought anything about it.
 Q You came here in 1886 and asked Henry Effert to have you enrolled? A Yes sir.
 Q Did you ever go before the Cherokee Council and ask them to readmit you? A No sir.
 Q Did you have anything here? A No sir; I was born and raised here, and we went down there to work.
 Q How long did you stay? A Ten years.
 By Mr. W. W. Hastings, Cherokee Representative:
 Q Where were you married? A Greenleaf.
 Q Have you any children? A Yes sir; I have four children.
 Q Where were they born? A Three were born in the Cheateau Nation, and I had at home here.
 Q Where are the children now living? A In Canadian District.
 Q When did you come back from the Cheateau Nation to the Cherokee Nation? A After 1880; that Fall.
 Q For the ten years immediately before that, you had been living out? A Yes sir.
 Q Have you been living here since the Fall of 1880? A Yes sir.
 Q In Canadian District? A Yes sir.

By the Commission:

Q When did you move back? A In the Fall; Fall of 1880.
 Q You say that you and your family applied to be put on the roll of 1880? A Yes sir; I went to Tahlequah.
 Q And they did not put you on the roll? A They taken my name down. (The roll of 1880 bears a memorandum of the name of this family, to the effect that they are not in the roll, but that they were not objected to by the Committee. It is presumed that what is meant by the word "roll" is the roll of 1880, as that is the roll on which at present their names are not to be found)
 Q What proportion of Cherokee blood do you claim?
 A About one fourth I reckon. My father and mother were both Cherokees.
 Q They both claimed to be Cherokees? A They were Cherokees.
 Q Neither you, nor any of your family, have ever been readmitted by the Cherokee Council, have you? A No sir.
 Q You never applied to the Dawes Commission, did you? A No sir.
 Q You have never been regularly admitted? A No sir.

By Cherokee Representative:

"The Cherokee Nation protests through its attorneys against the enrollment of this applicant, for the simple fact that they moved out of the Cherokee Nation and took their effects with them, and lived there ten years, and on their return failed to ~~avail themselves of Section 2, of Article 1, of the Constitution of the Cherokee Nation, providing for the Cherokee Council (National Council) to readmit.~~

By the Commission:

The applicant and her two children are identified on the rolls of 1894 and 1896: None of them are identified on the roll of 1880: She states that she was living in 1880 and ten years prior to that time in the Cheateau Nation with her family. She further states that application was made to the Cherokee authorities to be enrolled in 1880; that this application included herself and her family living at that time, and that the application was refused. She testifies that she and her family have lived in the Cherokee Nation since the Fall of 1880; and in view of the fact that she was refused enrollment by the Cherokee authorities in 1880, and the protest now entered by the Cherokee authorities, containing a citation of the requirements of the Cherokee Constitution; the name of the applicant and her two children will now be placed on a doubtful card for further consideration by the Commission. The final decision of the Commission will be communicated to the applicant at her present Postoffice

-3-
address, and it, with all of the testimony now taken, or hereafter submitted by her in support of her claim, or in any way added to the application, will be forwarded to the Secretary of the Interior for his final approval.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Crannin

Subscribed and sworn to before
me this 6th day of September, 1900.



COMMISSIONER.

6177
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIAN TRIBES

FILED

SEP 11 1901

ASTOR CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 10, 1901.

In the matter of the application of Louise J. Crane et al.
for enrollment as Cherokees by blood.

Supplemental testimony on behalf of applicant:

Appearances:

Applicant present in person;

J. L. Baugh, attorney for Cherokee Nation.

R. A. REESE, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A R. A. Reese.

Q How old are you? A 59 years old.

Q What is your postoffice address? A Menard

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Are you acquainted with Louise J. Crane? A Yes, sir.

Q How long have you known her? A Ever since '80.

Q Has she always lived in the Cherokee Nation? A She has always been recognized as a Cherokee.

Q Has she always lived here? A All her life, but she went out in the Choctaw Nation to work in those coal mines sometime in '80.

Q Do you know how long she remained there? A No, sir, I don't.

Q Was she always been recognized as a citizen of the Cherokee Nation?

A Yes, sir; her mother she is a niece of my wife, my wife is a Cherokee.

Q Did you know her father and mother? A I knew her mother, I didn't know her father.

Q Was her mother a Cherokee? A Yes, sir.

Q Her mother has always been recognized as a citizen? A Yes, sir.

Mr. Baugh: Where did Mrs. Crane marry at, Mr. Reese? A Her present husband Crane, married up here about Menard somewhere.

Q How long did she live in the Nation after she married? A I don't know how long exactly.

Q You know about how long? A No, sir, I don't, she lived right close to me a long time but I don't recollect the date or anything.

Q How long did she live in the ~~Cherokee Nation~~ Choctaw Nation?

A I don't think she lived there long, she wasn't gone long, she moved back to Canadian when I first found out.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of September, 1901.

M. D. Green
Notary Public
Commissioner.

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Cherokee D 187.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Louisa J. Crane for the enrollment of herself and children as Cherokee citizens.

Appearances:

Applicant in person;
W.W. Hastings, attorney for the Cherokee Nation.

LOUISA J. CRANE, being first duly sworn, and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A Louisa J. Crane.
Q Where do you live, Mrs. Crane? A I live in Canadian.
Q What is your post-office address? A McLain.
Q Is there any other statement you desire to make relative to your enrollment as a citizen? A No sir, I have done all.
Q You submit the case to the Commission for final consideration do you? A Yes sir.

BY MR. HASTINGS: I will submit to the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louisa J. Crane, et al.,
for enrollment as Cherokee citizens, consolidating the applications
of:

Louisa J. Crane et al	B-187
John T. Pickard et al	B-188
Charles Rains et al	B-240



DECISION.

The record in this case shows that on August 25, 1900,
Louisa J. Crane and John T. Pickard appeared before the Commission
at Fort Gibson, Indian Territory, and made their respective applica-
tions, as follows:

Louisa J. Crane applied for the enrollment of herself and
her minor children, Henry E. and Maude M. Crane, as citizens by blood
of the Cherokee Nation. John T. Pickard applied for the enrollment
of himself as a citizen by intermarriage, and for the enrollment of
his wife, Mary E. Pickard, and his minor children, William E.,
Hazel J., Robert E., and Nancy C. Pickard, as citizens by blood of
the Cherokee Nation.

Further proceedings in the matter of these applications were
had at Fort Gibson, Indian Territory, on September 10, 1901, and at
Tahlequah, Indian Territory, on February 24 and October 16, 1902.
Affidavits were filed, subsequent to the original application,
for Louisa J. and Maude M. Pickard.

On August 31, 1900, Charles Rains appeared before the Com-
mission at Fort Gibson, Indian Territory, and made personal applica-
tion for the enrollment of himself as a citizen by intermarriage, and
for the enrollment of his wife, Nancy A., and his three minor children,
Ollie M., John I., and Roy A. Rains, as citizens by blood of the
Cherokee Nation. Further proceedings in the matter of said applica-
tion were had at Tahlequah, Indian Territory, on February 21, March 13,
April 21, and October 23, 1902.

The evidence shows that the said Louisa J. Crane was born
in the Cherokee Nation; that she is a Cherokee by blood, and that she
is identified on the Cherokee pay roll of 1884 and the Cherokee census
roll of 1885. Henry E. and Maude M. Crane are shown to be the minor
children of the said Louisa J. Crane, and they are identified on the
land pay roll and the 1885 census roll of the Cherokee Nation.

The evidence further shows that John T. Pickard was lawfully
married, under a Cherokee marriage license and in accordance with the
laws of the Cherokee Nation, on August 17, 1892, to Mary E. Crane, a

Cherokee by blood, who is shown to be the daughter of the said Louisa J. Crane. William H., Narcissa J., Robert B., Dewey C., Katie E. and Maude M. Pickard are shown to be the minor children of the said John T. and Mary E. Pickard.

The evidence further shows that the said John T. Pickard is identified on the Cherokee census roll of 1896; that the said Mary E. Pickard is identified on the Cherokee pay roll of 1894 and the Cherokee census roll of 1896; and that the said William H. and Narcissa J. Pickard are identified on the 1894 pay roll and the 1896 census roll; that Robert B. Pickard is identified on the Cherokee census roll of 1896, and said Dewey C., Katie E. and Maude M. Pickard, are identified by birth affidavits made part of the record herein.

There was filed with this Commission, on October 27, 1902, an affidavit from which it appears that Katie E. Pickard died on May 16, 1901, and said affidavit is made part of the record herein.

The evidence further shows that Charles Rains was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in the year 1883, to Nancy A. Crane, who is shown to be a Cherokee by blood and the daughter of the said Louisa J. Crane; that said Charles Rains is identified on the Cherokee census roll of 1896; that said Nancy A. Rains is identified on the 1894 pay roll and the 1896 census roll of the Cherokee Nation; that said Ollie M. and Roy A. Rains are identified on the 1896 census roll of the Cherokee Nation, and the said Roy A. Rains is identified by birth affidavit made part of the record herein.

The evidence further shows that the said Louisa J. Crane, Mary E. Pickard and Nancy A. Rains, have resided in Indian Territory, all their lives, and in the Cherokee Nation since about the year 1880; that the minor children herein applied for have resided in the Cherokee Nation all their lives; that the said John T. Pickard and Charles Rains have lived with their said wives, Mary E. Pickard and Nancy A. Rains, respectively, in the Cherokee Nation continuously since their marriage to them, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Louisa J. Crane, Mary E. Crane, Maude M. Crane, Mary E. Pickard, William H. Pickard, Narcissa J. Pickard, Robert B. Pickard, Dewey C. Pickard, Maude M. Pickard, Nancy A. Rains, Ollie M. Rains, John H. Rains and Roy A. Rains, should be enrolled as citizens by blood, and that John T. Pickard and Charles Rains should be enrolled as citizens by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of Katie E. Pickard as a citizen of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Tame Dixie

Acting Chairman.

I. D. Neebles

Commissioner.

C. D. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,
this

JAN 30 1903

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE.

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-187, D-188 &
D-240.

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.


Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Louisa J. Crane for the enrollment of herself and her minor children, Henry B. and Maude M. Crane, as citizens by blood of the Cherokee Nation; granting the application of John T. Pickard for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E., and his minor children, William H., Narcissa J., Robert E., Dewey C. and Maude M. Pickard, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, Katie E. Pickard as a citizen of said Nation; and granting the application of Charles Rains for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy A., and his three minor children, Ollie M., John H. and Roy A. Rains, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case,

a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman

Enc. M-8173

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IN THE MATTER OF THE APPLICATION OF

Louisa J. Torrance

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony August 25, 1900

B. Memo of application 25, 1900

C. Supplementary testimony Sept. 10, 1901

D. Notice of final consideration

E. Order closing testimony - 2/20/02

Cancelled

See Cherokee Index - 240, 81029

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ASST. CHIEF

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WT. GIBSON, I. T., AUGUST 28th, 1900.

IN THE MATTER OF THE APPLICATION OF John T. Pickard, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, G. R. Brockbridge, testified as follows :

- Q What is your full name? A John T. Pickard.
Q What is your age? A Thirty three.
Q What is your Postoffice? A Holain.
Q What is your District? A Canadian.
Q Whom do you want to have enrolled; yourself? A Yes sir.
Q Who else? A My wife and four children.
Q Do you apply for yourself as a Cherokee by blood or adoption?
A By adoption.
Q Have you a marriage license? A Yes sir/
(The applicant presents an official copy of his marriage license, showing that he was authorized by the Clerk of Canadian District, in accordance with Cherokee law, on the 16th day of August, 1898, to be married to Mary E. Crane, a citizen of the Cherokee Nation, and that the marriage was consummated by the Reverend G. F. Wilson, on the 17th of August, 1898. This is filed with his application)
Q Have you and your wife lived together ever since you were married? A With the exception of about a year.
Q When was that year that you did not live together; when did it begin and when did it end, or has it ended; are you living together now? A Yes sir. It was in the Fall of 1893.
Q And you stayed apart until the Fall of 1894, did you? A Yes sir.
Q Have you been living together ever since 1894? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you were married in 1898? A Yes sir.
Q You did not get a divorce, when you separated, did you?
A No sir.
Q Give me the name of your father? A J. J. Pickard.
Q He was a white man? A Yes sir.
Q Is he dead or living? A He is dead.
Q Give me the name of your mother? A Martha Pickard
Q She was a white woman? A Yes sir.
Q Is she dead or living? A She is dead.
Q How you apply for your wife as a Cherokee by blood?
A Yes sir.
Q Her maiden name was Crane? A Yes sir.
Q Give me the name of her father? A John Crane.
Q Was he a Cherokee or white man? A White man.
Q Is he dead or living? A Dead.
Q How long has he been dead? A Over since 1894 I believe; 1893 or 1894; I do not just remember.
Q Give me the name of your wives mother? A Louisa Crane.
Q Is she a white woman or Cherokee? A Cherokee.
Q Is she dead or living? A She is living.
Q What is your wives age? A Twenty five.
Q Give me the names of your children, and their ages, beginning with the oldest? A William R. Pickard.
Q How old is he? A Eight years old.
Q Give me the name of the next child? A Harrietta J. Pickard.
Q How old is she? A She is seven years old.
Q Next child? A Robert B. Pickard.
Q How old is he? A Five years old.
Q Next child? A Deade E. Pickard.
Q How old is that child? A Two years old.
Q These children are all living, are they, at this time?
A Yes sir.
Q And living with you and your wife? A Yes sir.
(1894 Roll, Page 78, 1844, Mary E. Pickard, Canadian District)
(1894 Roll, Page 78, 1844, William Pickard, Canadian District)
(1894 Roll, Page 78, 1847, Harrietta J. Pickard, Canadian District)
(1894 Roll, Page 78, 1855, Mary E. Pickard, Canadian District)
(1894 Roll, Page 78, 1850, John T. Pickard, Canadian District)

(1896 Roll, Page 57, #1556, William B. Pickard, Canadian District)
(1896 Roll, Page 57, #1557, Narcissa J. Pickard, Canadian District)
(1896 Roll, Page 57, #1558, Robert B. Pickard, Canadian District)
(Applicant's mother not found on the roll of 1880.)
(Applicant's father not found on the roll of 1880.)

Q Your wife's family lived for some years in the Choctaw Nation?
A Yes sir.
Q Before 1880? A Yes sir.
Q And they came from the Choctaw Nation to the Cherokee Nation in 1880, did they not? A Yes sir.
Q And they made application for enrollment to the Cherokee authorities in 1880? A Yes sir.
Q And the authorities declined to put them on the rolls of 1880, did they not? A That is what they tell me.
Q That is your understanding of it? A Yes sir.

By Cherokee Representative:

The Cherokee Representatives desire to enter the same protest that they did in the case of Mrs. Louisa Crane, the mother of Mary B. Pickard, and ask that the evidence given by Mrs. Crane be duplicated and referred to in this case. Attention is called to Article 1, Section 2 of the Cherokee Constitution.

By the Commission:

Q The applicant is identified on the roll of 1896, as a Cherokee by adoption, and his marriage license and certificate filed herewith show that he was married in accordance with Cherokee law to his wife, as claimed, on the 17th of August, 1892. His wife is identified on the rolls of 1894 and 1896, and the three children, William H., Narcissa J. and Robert B. are identified on the rolls of 1896: The youngest child, Dewie C. is too young to be on any of the rolls, and the applicant is required to supply the Commission with a duly authenticated certificate of the birth of the youngest child.

In view of the fact that the applicant's wife is not identified on the roll of 1880, although application was made for her enrollment at that time, and it appears that such enrollment was refused by the Cherokee authorities; and in further view of the protest entered now against the enrollment of this family, by the representatives of the Cherokee Nation; the applicant and his wife and three older children will now be placed on a doubtful card, for further consideration by the Commission. And when a duly authenticated certificate of birth of the youngest child is supplied the Commission, then it also will be placed on a doubtful card. When the final decision of the Commission is reached, it will be ~~made~~ communicated to the applicant at his present Postoffice address, and it and all the testimony in the case will be forwarded to the Secretary of the Interior for his approval, which approval when given will be final in the case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 6th day of September, 1900.


COMMISSIONER.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 20, 1903.

In the matter of the application of John T. Pickard for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1903, that his case would be taken up for final consideration by the Commission on the 20th instant, and that he could on said day appear and introduce any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



C. S. Smith,
Commissioner.

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Q What is the name of your second child?
 A William H.
 Q And your third child?
 A Robert H.
 Q And your fourth child?
 A Maudie May.
 Q Is that your youngest living child?
 A Yes, sir.
 Q I have one more, it's named Maudie. I can't keep up with their names, Maudie, something, though.
 Q When was it born?
 A It was born last February, I believe; I declare, I had not thought much about it.
 Q Born last February, February of this year?
 A Yes, sir.
 Q Maudie May I believe is its name. My recollection is wrong?
 A Yes, sir.
 Q Did you ever ally for its enrollment?
 A Yes, sir.
 Q I formed it here, Maudie May.

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Photographer to the Commission to the Five Civilized Tribes, and recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 1st day of November, 1903.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of John T. Pickard for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Pickard, and his six minor children, William H., Narcissa J., Robert B., Dewey C., Katie E. and Maude M. Pickard, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN T. PICKARD, being sworn, testified as follows:

By the Commission,

- Q What is your name? A J. T. Pickard.
Q John T. Pickard? A Yes, sir.
Q How old are you? A I am thirty-six years old.
Q What is your postoffice? A McLain.
Q You are a white man, are you? A Yes, sir.
Q Are you claiming as a citizen by intermarriage? A Yes, sir.
Q What is the name of the wife through whom you claim your citizenship? A The name of my wife?
Q Yes. A Her name was Crane before I married her.
Q What was her first name? A Mary E.
Q Is she a Cherokee by blood? A Yes, sir.
Q How long has she been living in the Cherokee Nation? A She has been here ever since, I guess, about '80. Her mother went over to the Choctaw Nation and come back about '80.
Q You think your wife has been living in the Cherokee Nation since 1880? A Yes, sir.
Q When were you married to her? A In '92.
Q Were you married under a Cherokee marriage license? A Yes, sir, in 1892.
Q Was Mary E. your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Neither you nor your wife had ever been married before, had you? A No, sir.
Q Have you been living with your wife ever since you married her? A With the exception of eight or ten months right after we married.
Q You separated right after your marriage? A Yes, sir.
Q And did not live together for eight or ten months? A Yes, sir.
Q What was the cause of your separation? A I don't know. There was not much cause, she just took a notion she wanted to go home. That was before the second child was born she wanted to go home. She wanted to go home to be confined.
Q And stayed away ten months? A Yes, sir.
Q And she came back to you? A Yes, sir.
Q Been living together ever since? A Yes, sir.
Q Never been separated since that time? A No, sir.
Q Have you made your home in the Cherokee Nation ever since your marriage? A Yes, sir.
Q Never been out anywhere else? A No, sir, I have never went out of the Territory.
Q How many children have you by your wife, Mary? A Six children, five living.
Q What are their names? A William H., Narcissa J., Robert B., Dewey C. and Katie E.; Katie's the one dead.
Q When did she die? A May 6, '91.
Q There are five living, one more dead? What is the name of your

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oldest child? A William H.
Q What is the name of your second child? A Narcissa.
Q And your third child? A Robert E.
Q And your fourth child? A Dewey G.
Q Is that your youngest living child? A No, sir. I have one more, it's named Maud. I can't keep up with their names, Maud something, though.
Q When was it born? A It was born last February, I believe; I declare, I had not thought much about it.
Q Born last February, February of this year? A Yes, sir.
Maudie May I believe is its name. My recollection is awful bad.
Q Did you ever apply for its enrollment? A Yes, sir. We fetched it here, Maudie May.

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Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13th day of November, 1902.

W. B. Jones

Notary Public.

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IN THE MATTER OF THE APPLICATION OF

John S. Pickard et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony - August 25, 1900
- B. mem^o of application - " 25, 1900
- C. Peripis copy of Marriage License and certificate.
- D. Birth affidavit - Dewey S. Pickard
- E. " " Katie S. Pickard
- F. Notice of final consideration

G. Order closing testimony, Feb. 20, 1902

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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T. N. CHAMBERLAIN

Approved & Co


DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FT. WILSON, E. T., AUGUST 27th, 1900.

IN REPLY TO THE APPLICATION OF George W. Hendrix for enrollment as a citizen of the Cherokee Nation, said he being sworn by Commissioner, W. D. Hoedles, testified as follows:

- Q What is your name? A George W. Hendrix.
Q How long have you been married? A Fifty three.
Q With what person? A Minerva.
Q How did you become a citizen of the Cherokee Nation?
A By adoption.
Q What is your District? A Canadian.
Q How long have you lived continuously in the Cherokee Nation?
A About 30 years; I used to live in the Creek Nation.
Q How long do you apply? A Just myself.
Q You are older and mother are non citizens? A Yes sir.
Q Are they living? A No sir.
Q What is the name of your wife; maiden name? A Minerva Kerr.
Q Is she a citizen by blood? A Yes sir.
Q Is she living? A Yes sir.
Q What is her father's name? A His name was Kerr.
Q Is he living? A No sir.
Q Was he a citizen by blood? A No sir.
Q What is her mother's name? A I do not know her name.
Q Are you living with your wife? A No sir; we are not living together, we have no divorce though.
(The applicant presents a marriage license and certificate of marriage, certifying that he was married to Miss Minerva Morgan, a citizen of the Cherokee Nation, on the 24th day of September, 1886)
Q You say you are not living with your wife? A Not at present; no sir.
Q You are parted, are you? A Yes sir.

By Mr. W. C. Hutchings, Cherokee Representative:

- Q How long have you been parted? A Since about the first of March.
Q She is preparing to bring a divorce suit against you, is she?
A I think so.
Q On the ground of cruelty on your part, such that she can not live with you? A Yes sir.
Q Do you stay sober much of your time? A I think I can establish it to you that I do.
Q Did you stay sober much of the time when you lived in Muskogee with her? A Yes sir.
Q What was the cause of your separation? A I can not tell you I never heard.
Q Did you hear before you left? A No sir.

By the Commission:

- (1896 Roll, Page 38, 414, George W. Hendrix, Canadian District)
(1880 Roll, Page 16, 440, Minerva Fields, Canadian District)
Q Your wife now appears on the roll of 1880 as Minerva Fields, and the marriage license and certificate you presented certified that you married Minerva Morgan; is Minerva Fields and Minerva Morgan the same person? A Yes sir.
Q Did she marry after her marriage with Fields a man named Morgan?
A She married Morgan then.

The name of George W. Hendrix appears on the census roll of 1896; he presents a duly certified marriage license and certificate, certifying that he was married to Mrs. Minerva Morgan, a citizen of the Cherokee Nation in 1886, and the name of the said Minerva Morgan appears on the authenticated roll of 1880 under the name of Minerva Fields, a former husband. It appears from the testimony that the said applicant and his wife, Minerva are not now living together. The representatives of the Cherokee Nation present protest against his enrollment, because of the separation from his said wife. Said applicant is duly identified on the rolls of 1896, and his wife

upon the authenticated roll of 1880: Final judgment as to the enrollment of the said George W. Hendrix will be suspended; his name will be placed on a doubtful card.

When the final judgment of the Commission is reached as to the enrollment of the applicant, he will be duly notified thereof by mail.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 7th day of September, 1900.

A. R. Craven

COMMISSIONER.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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 ACTING CHAIRMAN

S U P P L E M E N T A L - T E S T I M O N Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF GEORGE W. HENDRIX, CARD "D" #167.

Nevil Kerr, being sworn and examined by Commissioner, T. E. Hedges, testified as follows:

- Q What is your name? A Nevil Kerr.
Q What is your age? A Fifty three.
Q What is your Postoffice? A Bennett.

Interrogatories by Mr. William E. Linton, Attorney for Applicants:

- Q Are you acquainted with George W. Hendrix? A Yes sir.
Q Are you acquainted with his wife? A Yes sir.
Q State her name please? A Manerva Hendrix.
Q How long have you known them? A I have known him I guess eleven or twelve years.
Q How long have you known her? A Have known her always.
Q What relation is she to you, if any? A Sister.
Q How far do you live from where George W. Hendricks and his wife lived during the years - I will say for the last five years?
A About four years, I lived within about three quarters of a mile.
Q How often - what has been your relationship with the family as to intimacy, as to your social relations: Did you frequent their house?
A Yes sir.
Q Have you been there frequently during this time? A Yes sir.
Q What has been Hendrix' conduct towards his family since you have been living close to them? A It has been all right.
Q Do you know whether or not they are living together as husband and wife at this time? A No sir.
Q How long have they been separated; about how long?
A March or April last.
Q Is George W. Hendrix living on the home place near you at this time? A Yes sir.
Q Is she living on the home place? A ~~Yes~~ No sir.
Q Do you know where she lives now? A In Muskogee.
Q Do you know why she left the place? A No.
Q What provisions did he (Hendrix) make for the support of his family, as well as you know? A Very good; had plenty to eat and plenty around them.
Q What was his treatment towards his wife prior to the time she left his home? A It was good.
Q Do you know why she went away? A No.
Q Was there any apparent cause of her going away so far as you know?
A No sir.
Q Now state, Mr. Kerr, how much you was around Mr. Hendrix' place prior to the time she went away - his wife went away? A About every week and sometimes two or three times a week.
Q Did you work there on the farm with Mr. Hendrix some?
A No sir, I did not work on the farm, but I was there: Put up hay one Summer.

By Mr. W. W. Hastings, Cherokee Representative:

- Q You say you are a brother of Mr. Hendrix' wife? A Yes sir.
Q How far did you live from them last Spring? A One mile and a half.
Q Do you say that you do not know the cause of this separation at all? A That's what I said.
Q You never heard it from either party? A No sir.
Q Did she go back and live there? A Yes sir, she has been back once: She was there in the neighborhood once since.
Q To live as husband and wife? A No sir.
Q What do you know with reference to Mr. Hendrix' habit of getting drunk? A He gets drunk some times.

SUPPLEMENTAL TESTIMONY

"D" CARD #157.

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Q Were you ever at his house when he was at home drunk?

A Once or twice.

Q Once or twice? A Yes sir.

Q About how often is he in the habit of getting drunk?

A Four or five times a year.

Q Do you know what his treatment of her (his wife) is while he is drunk? A No, I never did hear any complaint about it when he was drunk.

Q You do not know personally whether he is abusive or not?

A No, I do not think he is.

WALTER C. FIELDS, being sworn by Commissioner, T. B. Needles, and examined by William E. Linton, attorney for applicant, testified as follows:

Q State your name to the Commission? A Walter C. Fields.

Q What is your citizenship? A I am a Cherokee.

Q Where do you reside? A Near Bennett, I. T.

Q Are you acquainted with George W. Hendrix? A Yes sir.

Q Do you know his wife, Mamerta? A Yes sir.

Q How long have you known them? A Well, I guess I have known Mrs. Hendrix since about '72 or '73.

Q How long have you known Mr. Hendrix? A About ten or twelve years.

Q How far do you live from where he lives now? A Something near two miles.

Q How long did they live on that place as man and wife, where Mr. Hendrix now lives? A If I remember right it was in '95 when they moved out there.

Q What was the extent of your acquaintance with the family? A I was well acquainted with them. Mrs. Hendrix was at one time my step-mother, and I have been there quite often.

Q How is he situated there with reference to taking care of a family? A He is conveniently situated; has a good house and every thing.

Q What can you tell the Commission as to his disposition towards his family - just express it in your own language? A He was always when I was around them very kind to his family.

Q How did he provide for them? A Very good as far as I know. They always had plenty to eat and plenty to wear.

Q Are they living together as man and wife at this time? A No sir.

Q Is Mr. Hendrix still living at his home place? A Yes sir.

Q Do you know where his wife is now living? A My understanding is she's living in Muskogee.

Q Is she living on the home place with him? A No sir.

Q Was there any apparent cause of her going away from him, if you know? A Not that I know of. I never heard of any.

By Mr. W. W. Hastings, Cherokee Representative:

Q Do you know whether or not George Hendrix is in the habit of getting drunk? A I have heard of his being drunk at different times. I never saw him.

Q Do you know if he gets drunk frequently? A I can not say.

Q Do you know what his treatment of his wife was when he was drunk?

A I never saw him ~~intoxicated~~ under the influence of liquor at home and that was while he was living at home. He was very kind to her then.

Q You do not know the cause of his separation from his wife?

A No sir.

Q You never heard him say, or her? A No sir.

Q How long have they lived together as man and wife? A I guess ten or twelve years; something like that.

Q You lived there in the same neighborhood - something like two miles? A Yes sir.

Q They had a farm? A Yes sir.

Q And stock too? A Yes sir.

Q A comfortable house to live in? A Yes sir.

Com'r. T. B. Needles:

Q How often did you see them? A Quite often - every week, or some times I was there oftener than that.

Q You never saw him intoxicated but once? A Once at home; that was when he was living in Wiskogee; I have seen him intoxicated twice I think besides that.

By Mr. William E. Linton, applicant's attorney:

Q What is his disposition as near as you know when he is drunk; is he cross, quarrelsome? A I can not say; I never saw him intoxicated but once and he was very kind towards me; he seemed to be more so then than when he was sober.

ELLA E. FIELDS, being sworn by Commissioner, T. B. Needles, and examined by Mr. William E. Linton, attorney for applicant, testified as follows:

Q State your name? A Ella E. Fields.

Q Are you the wife of Mr. Walter Fields who has just testified?

A Yes sir.

Q Where do you live? A Near Bennett.

Q With your husband? A Yes sir.

Q Canadian District, Cherokee Nation? A Yes sir.

Q You are a citizen of the Cherokee Nation? A Yes sir.

Q Are you acquainted with George W. Hendrix? A Yes sir.

Q Do you know his wife, Minerva? A Yes sir.

Q How far do you live from them? A Something near two miles.

Q How long have they lived there near your place as well as you recollect? A I think they have lived there about six or seven years; I am away part of the time; I have been at home five years since I came home.

Q Have you visited the family? A Yes sir, some.

Q I wish you to state to the Commission how they (George W. Hendrix and Minerva Hendrix) get along together as husband and wife when you visit them? A As far as Mr. Hendrix was concerned he was always kind to his wife when I was there; I never saw a kinder man to his wife than Mr. Hendrix was.

Q Did you see them at other places than ~~xxxx~~ at home? A Yes sir, at the neighbors houses and at Church and different places.

Q What was his disposition towards her at those times? A He was always very kind.

Q Are they living together now as man and wife? A No sir.

Q Can you state whether or not she left him; or did he leave her?

A She left him I guess; She left him; he is there at his home.

Q Was there any apparent cause for her going away? A Not that I know of.

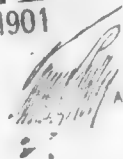
Q How is Mr. Hendrix situated as far as making a living is concerned? A He is very well situated for a farmer; He seems to have plenty around him.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of January, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, T. T., January 30, 1901.

Supplementary testimony in the case of George W. Hendricks.

Witness, Minerva Hendricks, being sworn and examined by Commissioner T. T. Wadley, testified as follows:

- Q What is your name? A Minerva Hendricks.
Q What is your age? A 57.
Q What district do you live in? A I am here in Muskogee; my home is in Canadian district.
Q You know George W. Hendricks? A Yes sir.

By W. W. Hastings, representative of the Cherokee Nation-

- Q He was your husband? A Yes sir.
Q When were you married to him? A I believe it was 13 years ago last September. He has the marriage certificate.
Q Where were you married? A At Fort Gibson.
Q Where have you been living since that time? A I have lived here part of the time, and lived down in Canadian district for the last seven years, until this last year since I lost there.
Q You lived in Muskogee and Canadian district about ever since you were married? A Yes sir.
Q You a Cherokee by blood? A Yes sir.
Q Hendricks is a white man? A Yes sir.
Q Mrs Hendricks, what was Mr. Hendricks' conduct toward you as to drink? A Abusive language, anything he could think of.
Q Was he in the habit of drinking? A I didn't know it at the time I married. I know it shortly after I married him; a year or so afterwards.
Q Did he drink much during that time? A Yes sir, sometimes it would be days and days he never would be sober.
Q What was his conduct toward you when he was drunk? A Anything but kindness.
Q Abusive? A Yes sir.
Q Did he at anytime attempt to use violence? A Yes sir, he shot at me twice, threw a chair at me across the table and ran me with a butcher knife.
Q When was it he shot at you? A I am a poor hand to keep time.
Q Was it at Muskogee? A Yes sir.
Q When was it he attempted to use a butcher knife; where was that? A It was here too.
Q Had you been married before? A Yes.
Q Do you any children by the former marriage? A I have one son.
Q What was his conduct toward that son while he was under the influence of intoxicants? A Sometimes he was good to him, and sometimes he wasn't. After we moved in the country, he got a sick son and accused my son of stealing his whiskey, which he didn't.
Q What was his conduct toward you while you were sick? A I called for to make a fire; he said if I wanted it to get up and take it myself. I suppose my son could have made it, but he was in the field working.
Q Have you a farm in Canadian district? A Yes sir.
Q Who acquired the farm; whose is it? A My brother gave me the claim.
Q On the public domain? A Yes sir. It is nothing but a little old cabin. There was no floor in it. He got the lumber, and got some from Wadley here, but I paid for that out of my strip money I got in 1894.
Q Then you claim your farm was principally improved with your own money? A I know it was; there was no dollar put there except mine and my child's out of the strip money and old settler's money.
Q Have you and your husband separated before? A Yes sir, three times. He would swear he would never drink another drop if I would

3- G.W.H.

take him back, which I did. It would be no time he would be the same way and maybe worse. I sold out three times; and divided with him. I had a claim here in Muskogee, one lot, I sold my lot and bought things and kept boarders; that is the way I made my living, and kept him up while he drank.

Q His constant drinking is what led up to the separation at all of these times? A Yes sir, I think it is. He was never very kind to me when he was sober. He never would give me a dollar to buy medicine; he never would pay my doctor bill. Mrs. Elliott paid the last bill.

Q What relation is Mrs. Elliott to you? A She is my sister.

Q Is there anything else required of that you desire ~~that you~~ to tell with reference to this separation that you think of?

A I have a divorce case in the Court.

Q Did you bring the suit? A Yes sir, Mr. Hutchings will see to it for me.

Q You don't know whether the papers have actually been drawn or not? A No sir, I don't; he said he would see to it right away; that has been over a month ago. I told him if I wanted my home, and he said he couldn't get it until I got the divorce. I told him I wanted a divorce, and he said I would have to get a divorce before I could get my place.

Mrs.

Witness, George W. Elliott, being sworn and examined by Commissioner Hastings, testified:

Q What is your name? A Mrs. George W. Elliott.

Q What is your age? A 31.

Q What is your postoffice address? A Muskogee.

Q You know George W. Hendricks? A Yes sir.

By W. W. Hastings, representative of the Cherokee Nation-

Q Mrs. Elliott, how long have you known Hendricks? A Ever since he was married to my sister.

Q Is Mrs. Hendricks your sister? A Yes sir.

Q That do you know about him with reference to his drinking habit?

A I never mingled with him a great deal; he always was so contemptible that I never went about him very much, only when she was sick I took her to my house to take care of her.

Q You know whether or not he was in the habit of drinking or not?

A I know he was in the habit of drinking.

Q You know what his conduct was toward your sister; whether it was good or bad? A I don't think it was good. Of course, I wasn't present. I only know what she told me and other folks told me.

Q I suppose you haven't very much personal information with reference to their family dispute, except what your sister and neighbors told you? A No sir, I haven't.

Q Did you know him while he lived here in Muskogee? A Yes sir.

Q You know about these circumstances, which your sister related here about his shooting at her? A Yes sir; I heard the shot. I was going in the gate at Sixkiller. The girls she had staying with them had run him off.

Q Was he drunk? A I didn't see him; they say he was drunk.

Q The fact of the business is, he's been drunk a good big part of the time when he got anything to drink? A He never was sober that I know of, when he was able to get it in any way.

3- C.W.H.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 30th day of January, 1901.

J. H. ...

Commissioner.

X

D189

COMMISSION
FILED
JAN 16 1902

CHAMAN

"R"

File with Cherokee D- 189, George W. Hendricks.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 8th, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Minerva Hendricks for enrollment as Cherokee citizen.

Appearances: -

Applicant in person;
Mr. J. L. Baugh, for the Cherokee Nation.

MINERVA HENDRICKS, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Minerva Hendricks.
Q How old are you? A 58 last New Year's day.
Q What is your post-office address? A Muskogee.
Q Did you appear before this Commission in May, 1900, and make application for enrollment as a Cherokee? A Yes sir.
Q Are you at present residing in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I don't know, I haven't been to say living here, I am staying here.
Q For how long a time? A Little over a year I guess.
Q Where did you live prior to that time? A Canadian District.
Q In the Cherokee Nation? A Yes sir.
Q Have you always claimed the Cherokee Nation as your home? A Yes sir.
Q Have you ever lived outside of the Cherokee or Creek Nations?
A Never was, never was out but once on a visit.
Q You have always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q What is your father's name? A Frederick A. Kerr.
Q Your father was a white man? A Yes sir.
Q He is dead? A Yes sir.
Q What is your mother's name? A Louisa Coody.
Q That was her maiden name? A Yes sir.
Q She is dead? A Yes sir.
Q She a Cherokee? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation? A Yes, sir, every roll that has been made.
Q Have you ever made application for enrollment in any other nation or tribe? A No sir.
Q Have you any children under 21 years of age, at home living with you? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant identified on
page 16 No. 410 Minerva Fields, Canadian District, Native Cher;
1896 census roll of citizens of the Cherokee Nation examined
and applicant identified on
page 33 No. 916, Minerva Hendrix, Canadian District.

- Q What was the full name of your husband Hendricks? A George W. Hendricks.
Q Is he living or dead? A He is living.
Q Is he a white man? A Yes sir.
Q He does not claim to be a citizen of the Cherokee Nation? A I guess so, he is trying to claim it, I don't know whether he had got his rights or not.
Q Are you living with him at the present time? A No sir.
Q Have you been divorced from him? A That's what they tell me, I have got a divorce, but I haven't never got it yet.
Q Did you apply for the divorce or did he? A I did.
Q On what ground? A Because he was a drunkard and I could not live with him no longer, I couldn't stand it.
Q On the ground of cruel treatment? A Yes sir.
Q Has he married since he left you? A No sir, couldn't get nobody

to have him.

- Q How long had you been married? A About thirteen years I think.
Q Were you ever married before you married Hendricks? A Yes sir.
Q What was the name of your other husband? A Richard Fields.
Q Is he dead? A Yes sir.
Q Was he a Cherokee? A Yes sir.
Q Was Fields your name when the roll of 1880 was made, about 21 years ago? A Yes sir.

Commission: Minerva Hendricks appeared before the Commission at Muskogee, Indian Territory, May 11th, 1900, and made application for the enrollment of herself as a Cherokee by blood. The testimony taken at that time is found to be incomplete, and the applicant this day appears before the Commission and gives further testimony as regards her application.

It appears from the same that she is duly identified on the authenticated roll of 1880 and the census roll of 1896; satisfactory proof has been made as to her residence, and she will be listed for enrollment as a Cherokee by blood.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this January 8th, 1902.

[Signature]

Commissioner.

"R"

Cherokee D 189

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
GEORGE W. HENDRIX for the enrollment of himself as a Cherokee citizen by intermarriage.

Appearances:

William E. Linton, Muskogee, I. T., Attorney for the
applicant;

W. W. Hastings, attorney for the Cherokee Nation.

BY MR. HASTINGS: Representatives of the Cherokee Nation call attention of the Commission to the fact that there is a divorce suit pending in the United States Court at Muskogee between George W. Hendrix, the applicant, and his wife, and desires that this case be held open awaiting the judgment of the court in the case.

BY COMMISSION of Mr. Linton:

Any statement you want to make in this case?

BY MR. LINTON: No, no further than the proof in this case shows that while there is a desertion, that it is on no fault of this applicant. The proof here shows that conclusively. You are willing to continue this case, then, awaiting the judgment of the Court?

BY MR. LINTON: Yes sir, and during that time if we take a notion to introduce any additional testimony we will notify Mr. Hastings.

BY MR. HASTINGS: And we will notify you.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.

[Signature]

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Appearances:

Applicant appears by Minerva Hendrix.
Cherokee nation by W. W. Hastings.

Supplemental to D-189.

MINERVA HENDRIX, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Minerva Hendrix.
Q. How old are you, Mrs. Hendrix? A. 58 years. I was born in 1844.
Q. What is your post office address? A. Muskogee.
Q. You were the former wife of George W. Hendrix? A. Yes, sir.
Q. Were you ever married before you married him? A. Yes, sir.
Q. What was the name of your first husband? A. His name was Fields. Richard Fields. He was a Cherokee.
Q. Were you married after your marriage to Fields to another man? A. Yes, sir.
Q. What was the name of your second husband? A. Chilian Morgan.
Q. What was his citizenship? Was he a Cherokee or white man? A. Yes, sir; he was Cherokee.
Q. When did your first husband Fields die? A. He died--my child will be 24 next February--he was just a year old.
Q. Did he die before you married Morgan? A. Yes, sir; 4 or 5 years.
Q. Is Morgan living or dead? A. They say he is living. I couldn't say positively whether he is living or dead.
Q. How long did you live with after your marriage? A. I reckon a little over a year; may be 2 years.
Q. When were you married to him? A. Indeed, I couldn't say when it was. I never was no hand to keep dates.
Q. How long after your separation from Morgan before you married George W. Hendrix? A. 3 or 4 years.
Q. Were you divorced from Morgan? A. They told me I was. I applied for a divorce. They told me I was. I never saw no record.
Q. Did you make application for divorce or did he made it? A. I made it. It was done by the national council. We didn't have no United States court then.
Q. Are you sure it was done by the council? A. I couldn't say. I had two cousins, Josh Seales and John Drew, and also a friend of mine. They attended council. They told me I would get a divorce. They told me I had one. I don't know whether it is on the record or not.
Q. After that you were married to Hendrix? A. Yes, sir.
Q. Have you any idea in what year that divorce was granted? A. It was about 1883 or 4. I couldn't tell you which. May be 1885. I couldn't tell you what year.
Q. You never received a copy of the decree of divorce, did you? A. No, sir; I never did. I applied for a divorce and they told me that they was going to grant me one. ~~I never~~ I never seen anything of it yet. I am just about as ignorant in this as I am the other.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of July, 1902.



Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1902.

In the matter of the application of George Hendrix for enrollment as a citizen by intermarriage of the Cherokee nation.

George W. Hendrix, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A George W. Hendrix.
- Q How old are you? A Fifty-six years.
- Q What is your postoffice address? A Bennett, I. T.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee nation? A Yes sir.
- Q What is your wife's name? A Minerva.
- Q Is she living? A Yes sir.
- Q Is she a Cherokee by blood, and recognized as such? A Yes sir.
- Q When were you married to your wife Minerva? A It was 1886 as well as I remember.
- Q Were you married under Cherokee marriage laws? A Yes, Dick Walker married us at Ft. Gibson.
- Q You filed your marriage license with the Commission, have you? A Yes, I did that at Ft. Gibson.
- Q Were you ever married before you married Minerva? A Yes sir.
- Q How many times? A Only once.
- Q Was your first wife a white woman? A Yes sir.
- Q What was her name? A Her name was Harden.
- Q Was ~~the husband~~ living or dead when you married this wife? A Yes, she died in Missouri.
- Q Had Minerva ever been married before her marriage to you? A Yes sir.
- Q What was her first husband's name? A She had been married twice. Her first husband was Field; I don't know his initials. She lived with him I think about a year.
- Q And then separated? A Yes sir.
- Q Was he living at the time she and you were married? A No, he was dead at that time. Mr. Smith knew him.
- Q What was her second husband's name? A Chilly Morgan. He was a Creek I think.
- Q Was he living or dead when you married her? A Living I think.
- Q Had she been divorced from him? A Yes sir.
- Q What court was she divorced in? A Cherokee.
- Q Have you ever furnished the Commission with a copy of the divorce from her second husband? A Nothin but her affidavit.
- Q It will be necessary in order for you to complete your enrollment, to file with the Commission a copy of the divorce of your wife from her second husband, Morgan, before your enrollment can be completed. Have you and your wife Minerva lived together ever since the date of your marriage up to the present time? A No, we have not.
- Q You have separated? A Yes sir.
- Q When did you separated? A I think it was sometime in March, 1891.
- Q You lived with her then, from the time you married her until March, 1891? A Yes sir.
- Q Where were you living when you separated? A We were living on what they call Forks, in Canadian district.
- Q On a farm? A Yes sir.
- Q Whose place was it? A Mine.
- Q When you separated where did you go? A She left; I staid there.
- Q What was the cause of your separation? A Well, sir, I can't tell you. She left without any occasion on earth. I have her brothers testimony, and he knows all about it. She left without any occasion on earth.
- Q You and she have never lived together since then? A No, never lived together since then.
- Q Have you ever seen her since she left. A I saw her once at a distance.

- Q You never talked to her? A No sir.
- Q You never made any effort to get her to return? A No, I testified before the court I was willing to take her back.
- Q Have you procured a divorce? A No sir.
- Q You never applied for a divorce? A Yes, I think so.
- Q In what court? A United States court at Muskogee
- Q Do you know whether she was granted a divorce or not? A No, she is granted no divorce.
- Q Still pending? A Yes sir.
- Q You have never married since your separation? A No sir.
- Q You were still her husband on September 1, 1902? In the eyes of the law?
- A Yes sir.
- Q Have you lived in the Cherokee nation all the time since your marriage to your wife up to the present time? A Yes, -I just came back from a visit to my brother.
- Q How long were you gone? A Six or seven months. Something like that.
- Q This year? A Yes sir.
- Q You never was out before that since you were married? A No sir.

Examination by Mr. Hastings-Cherokee representative.

- Q The divorce suit is still pending in Muskogee at this time?
- A That's what I understand?.
- Q It is not decided? A No sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 12th, 1902.

B. C. Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Hendrix for admission as a citizen by intermarriage of the Cherokee Nation.

REPORT.

The record in this case shows that on August 27, 1900, George W. Hendrix appeared before the Commission at Fort Smith, Indian Territory, and made application for the enrollment of said George W. Hendrix as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on January 18, and January 30, 1901, and on February 10, January 2, July 7, and October 30, 1902.

The evidence in this case shows that the said George W. Hendrix was married under a Cherokee law to a Minerva Morgan, daughter of the late of the Cherokee Nation, on September 8, 1898, to Minerva Morgan, a citizen by blood of the Cherokee Nation. It appears that said Minerva Morgan was formerly married to one William Morgan, who appears to have been living at the date of her marriage to Hendrix. The evidence further shows that the applicant, George W. Hendrix, lived with his said wife, Minerva, until March 3, 1900; that they then separated, his wife leaving him on account of his drunkenness and his cruel treatment of her. Divorce proceedings, brought by the said Minerva Hendrix, are now pending in the United States Court in Indian Territory. George W. Hendrix is identified on the Cherokee census roll of 1890.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 607 of the Compiled Laws of the Cherokee Nation (1897) provides:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this nation."

It is the opinion of this Commission that the applicant, George W. Hendrix, is lawfully married to the said Minerva Morgan, abandoned her within the meaning of the section of Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation, should therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this DEC 10 1902

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number of D. 189

Muskogee, I. T., Feb. 6, 1902

To the Clerk of the United States Court,
Muskogee, Indian Territory.

Dear Sir:

Please send us a certified copy of the judgment of the Court granting a divorce to Minerva Hendricks or Hendrix, either one or the ~~other~~ other, from her husband George W. Hendricks. Judgment has been rendered in this case within the past year.

Yours very truly,

W. W. Hastings
J. C. Starr
Attorney for the Cherokee Nation.

This case is still pending
At Ford Co.

COMMISSIONERS

HENRY L. DAVIS,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 189.

Muskogee, Indian Territory, September 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are requested to advise the Commission whether the suit for divorce between George W. Hendrix and his wife, Minerva Hendrix, pending in the United States Court at Muskogee, has been decided.

If so, please furnish the Commission immediately with a certified copy of the decree.

Yours truly,

Tams Bixby
Acting Chairman

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 189.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

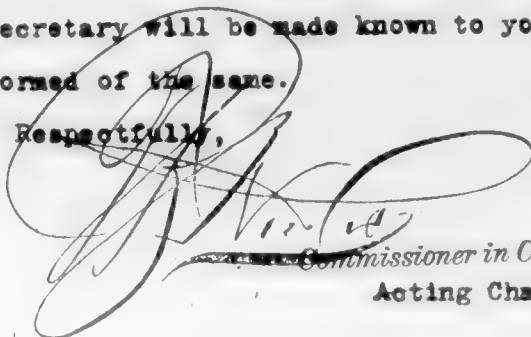
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge
Acting Chairman.

Enclosure H. No. 374.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D-189

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of George W. Hendrix for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 4, 1903.

Respectfully,

Acting Chairman.

George Washington
The President of the United States
Office in the White House
Washington D.C.
Dear Sir

Cher D 190

Cher D 190

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 4 1900

[Handwritten signature]

John, Arthur

Dear Sirs: I have the honor to acknowledge the receipt of your letter of the 11th inst., a copy of which has been forwarded to the proper authorities. I am sorry to hear that you are not satisfied with the results of the investigation. I am sure that the authorities will be able to give you a satisfactory answer. I am sure that the authorities will be able to give you a satisfactory answer. I am sure that the authorities will be able to give you a satisfactory answer.

I am, Sir, very respectfully,
Your obedient servant,
The Secretary of the Board of Directors,
The National Bank of Commerce, New York.

M. D. Smith

Very respectfully,
The Secretary of the Board of Directors,
The National Bank of Commerce, New York.

C. A. B. Smith
For Director.

1000

1907

500-1000

1. The A. S. S. N. is a non-profit organization which is organized for the purpose of promoting the welfare of the community and the improvement of the lives of the people of the community.

"R"

Cherokee D 190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of John Harper for enrollment as a Cherokee citizen.

Appearances:

Applicant in person, and by S.B.Dawes, Muskogee, I. T.,
his attorney;
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. DAWES: I don't think of anything further to present
in the case.

JOHN HARPER being sworn and examined testified as
follows:

BY COMMISSION:

Q What is your name? A John Harper.

Q How old are you? A 37.

Q What is your post-office address? A Checotah.

BY MR. DAWES: Can we object to the Nation using the applicant
for a witness?

BY COMMISSION: No.

BY MR. HASTINGS:

Q What is your present wife's name? A Her name is Polly, West
before I married her.

Q That was her maiden name? A Yes sir.

Q What is her citizenship? A Creek Nation.

Q She is not a citizen of the Cherokee Nation? A No sir.

Q Don't claim to have any rights in the Cherokee Nation? A No sir,
she is in the Creek Nation in the Territory.

Q How old is she? A She is about 37. She is not on the Cherokee
rolls.

1880 authenticated roll of citizens of the Cherokee Nation
examined for applicant's wife, and name not found thereon.

BY COMMISSION, of attorney Dawes:

You want to ask him any questions? A No sir.

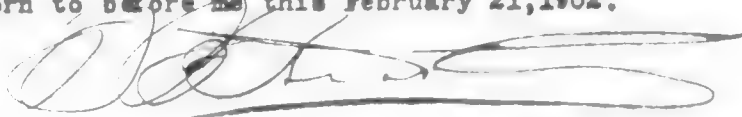
Do you submit this case to the Commission for final consider-
ation? A Yes sir. I suppose Counsel will be allowed to
present brief and argument.

BY COMMISSION: Yes. Attorney for the applicant will be
granted ten days in which to file brief, one copy with the
Commission and one copy with the Representatives of the
Cherokee Nation.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Harper for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 27, 1900, John Harper appeared before the Commission at Fort Gibson, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 20, 1902.

The evidence shows that the said John Harper was married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 15, 1891, to Emma Wells, alleged to be a citizen by blood of the Cherokee Nation, but there is no evidence of that fact. The applicant testifies that his said wife left him about 1895, and that she sued for and obtained a divorce against him. The evidence further shows that since his divorce from the said Emma Harper, the applicant has married one Ollie or Pollie West, who possesses no rights of Cherokee citizenship by blood.

Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666, Compiled Laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be) having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is the opinion of this Commission that the applicant, assuming that he acquired the rights of Cherokee citizenship by his marriage to Emma Wells, has forfeited the same by his subsequent marriage to Ollie or Pollie West, who possesses no rights of Cherokee citizenship by blood, and that the application of John Harper for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE ~~FIVE~~ CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 15 1892

C D. 190

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public

Proof of Service made
and original filed with the

DAWES COMMISSION.

FEB 13 1902

NOTICE!

IN THE MATTER OF the application of John Harper
for enrollment as Cherokee citizens:

Case No. D 190

To John Harper Chee-lah

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on Feb 20 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned, representatives of the Cherokee Nation have hereunto set our hands this Feb 11 1902

W. W. Hastings
Attorneys for the Cherokee Nation.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. 190

Muskogee, I. T., Feb. 11, 1902.

Mr. James Graves,
Texanna, I. T.

Dear Sir:

John Harper applied to be enrolled as a citizen by inter-marriage and gave his postoffice as Checotah, and his age is 35. He claimed to have been married to Emma Wells in 1891, who secured a divorce from him; and the record shows that since his separation from his first wife, that he was married to Ollie West. I have been advised that his present wife is a non-citizen? Please writex me at once about this matter and oblige.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

Texanna D.
May 17th 1902

Hon W. W. Hastings
Muskogee D. I.

Sir

In matter of John
Harper, I am advised by reliable
persons ^{Ed} know his present
wife she is Creek citizen.
Nearly full blood. Say Mr
Hastings could you influence
the Commission to subpoena
J. W. Bunnamer. he knows
good many full bloods. ^{Ed} get
him enrolled. he has not been
enrolled yet.

Yours Truly
J. E. Gore

388

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D 190.

ALLISON I. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of John Harper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. C. No. 80.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 190.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application of John Harper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 31, 1902.

Very respectfully,



Acting Chairman.



W. W. Hastings,

Muskogee,

I. T.

C. D. 190



B140

IN THE MATTER OF THE APPLICATION OF

John Harris

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 191

Cher D 191

2191

RECEIVED
SEP 11 1911

SEP 11 1911

... to ... the ...

M. Green

Philip

111

1000

SUPPLEMENTAL TESTIMONY.

D #191.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 10th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Henry Owens as a citizen of the Cherokee Nation: Said Henry Owens being first duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry Owens.
Q How old are you? A I am 28 years old going on 29.
Q What is your post office? A Webbers Falls.
Q In what district do you live? A Canadian.
Q What is it you want to have put on the roll, yourself? A Yes, sir.
Q Anyone else? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life except about two years.
Q What two years was that? A I think it was in 1879 and 1880 I was not here.

Q Where were you then? A I was in Arkansas.
Q You were born in the Cherokee Nation? A Yes, sir.
Q How did you happen to go to Arkansas then? A I was living with some people that lived down there and I was staying with them.
Q You are not on the roll of 1880 then? A No, sir.

(Upon examination of the records it is found that this applicant has previously applied for enrollment before this Commission.)

Q Have you any additional evidence that you can offer now that you did not offer at your former application? A Yes, sir, my sister here.

ARLIE REEVE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name there again please, Mrs. Reeve? A Arlie Reeve.

Q Give your post office, please? A Webbers Falls.
Q Mrs. Reeve, you have lived in the Cherokee Nation all your life have you? A Yes, sir.
Q You make application just now for enrollment? A Yes, sir.
Q Your maiden name was Scott was it? A Yes, sir.
Q Henry Owens who applied for enrollment at Fort Gibson, August 27, 1900, and whose case is D. 191, is here present. What relationship exist between you and him? A He is my half brother.
Q Not your full brother? A No, sir.
Q He spoke of you as a sister? A Yes, sir.
Q You have the same mother of the same father? A Same mother.
Q In your application your name was found on the roll of 1880? A Yes, sir.
Q But your brother's name is not found on the roll of 1880, how does that happen? A Well he was taken off to Arkansas at that time on a visit.
Q Were your father and mother both dead at that time? A Yes, sir, a family taken him to raise him when he was a little child.
Q And how long did he stay over there in Arkansas? A I could not tell you that; he just went there and staid a while on a visit.
Q Did he stay there two years, or five years, or ten years? A Well he did not stay there more than a year or something like that.
Q Did he live in the Cherokee Nation all his life up until that time? A Yes, sir.

Henry Owens--2.

Q Has he lived in the Cherokee Nation ever since that visit? Yes, sir.

Q You claim that he is the same degree of Cherokee blood that you are? A Yes, sir.

Q Having the same mother? A Yes, sir.

Q By W. W. Hastings, Cherokee Representative: Your mother was a full blood? A Yes, sir.

Q By Commissioner Breckinridge: And his father was a white man? A No, sir.

Q His mother was a full blood? A Yes, sir; he is a Cherokee.

Q He claimed to be a Cherokee by blood? A Yes, sir.

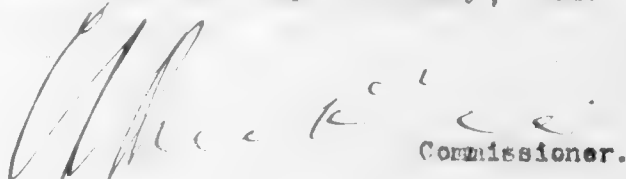
Q Did his father have much Cherokee blood in him? A He claimed to be a half breed.

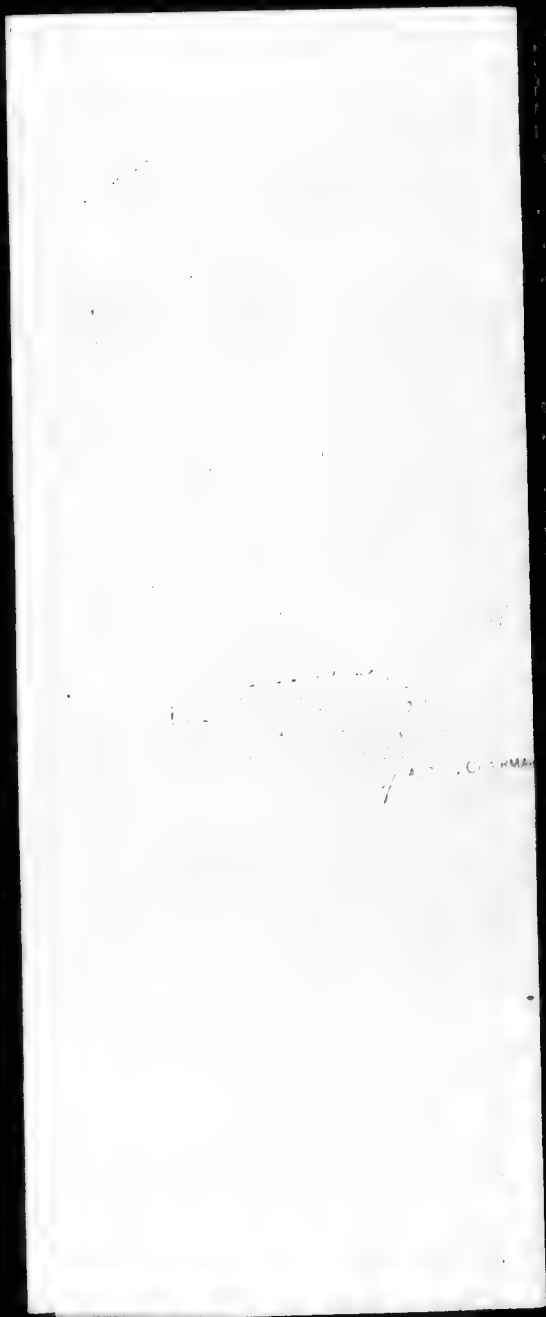
Com'r Breckinridge:--The witness has just been enrolled under the name of Arlie Leeve with her husband and children and this testimony seems to show conclusively that the failure of Henry Owens to be enrolled on the roll of 1880 was through no lack of his right to be on that roll, he being then an orphan and minor, and away temporarily in the care of others. This will be filed with his case, D 191 and fully considered when such cases are taken up.

---ooo000ooo---

J. O. Foster, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.


Commissioner.



COMPLEMENTAL TESTIMONY.

D 4191.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., FEBRUARY 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for
the enrollment of HENRY OWENS as a citizen of the Cherokee Nation:

STEPHEN McDaniel, being sworn and examined by Commissioner
Brookinsridge, testified as follows:

- Q Give your full name? A Stephen McDaniel.
Q How old are you, Mr. McDaniel? A I am 47 years old.
Q What is your post office? A Connett.
Q In what district do you live? A Canadian district.
Q How long have you lived in the Cherokee Nation? A Ever since
1875.
Q Do you know Henry Owens? A Yes, sir.
Q Is he a sister of Mrs. Ollie Beeve? A Yes, sir.
Q Is he a son of Joe Owens? A Yes, sir.
Q His father is dead is not he? A Yes, sir.
Q He is not a full brother of Mrs. Beeve, he is a half ~~six~~ brother?
A I think he is a full brother.
Q Do you think that Joe Owens is the father of both of them?
A Yes, sir.
Q What was the name of his mother? A As well as I can recollect
her name was Betsey.
Q Was she a full blood Cherokee? A Yes, sir.
Q She died many years ago didn't she? A Yes, sir.
Q Died before you came to the Cherokee Nation? A She died I
think it was in the Spring of 1875.
Q You knew her personally? A Yes, sir, I knew her from the time
I come here up until her death.
Q She was recognized as a full blood Cherokee? A Yes, sir, full
blood Cherokee.
Q Do you know that this young man and Mrs. Beeve had the same
mother? A Yes, sir.
Q No question about that? A Yes, sir; the two children were there
at her death.
Q And she was a full blood Cherokee was she? A So considered,
a full blood Cherokee.
Q Now, this young man when a child, about 1878 or 1880 seems to
have been out of the Cherokee Nation? A Yes, sir.
Q Where was he? A He was at Waldon, ~~Arkansas~~ Arkansas.
Q In Scott County? A Yes, sir.
Q Who took him over there? A My brother.
Q Is this young man any kin to you? A No, sir.
Q How come your brother to take him over there? A He was given
to my brother by a man named McDaniel Chualokee.
Q He was an orphan then? A Yes, sir.
Q How long did he stay there? A My brother came back and died
in the Spring of 1881.
Q And this young man come back with him? A Yes, sir.
Q And has he lived here ever since? A Yes, sir.

HENRY C. LOWERY, being sworn and examined by Commissioner
Brookinsridge, testified as follows:

- Q Give your full name? A Henry C. Lowery.
Q How old are you? A 52 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation? A Yes, sir.

Supl.--191--2.

Q In what district do you live? A Canadian.
Q How long have you lived in the Cherokee Nation? A All my life.
Except About four years during the War.
Q Do you know this young man, Henry Owens? A Yes, sir.
Q Do you know his mother? A Yes, sir.
Q Was she a full blood Cherokee? A Yes, sir; sure, she could
not talk english at all.
Q She was a native Cherokee was she? A Yes, sir.
Q Have you known this young man all his life? A Yes, sir.
Q He is named after you? A Yes, sir, I named him myself;
he was born there close by me.

Com'r Breckinridge:--This testimony will be filed as additional
in case D. #191, and a memorandum of it will be made upon the card.

---ooo--oo---

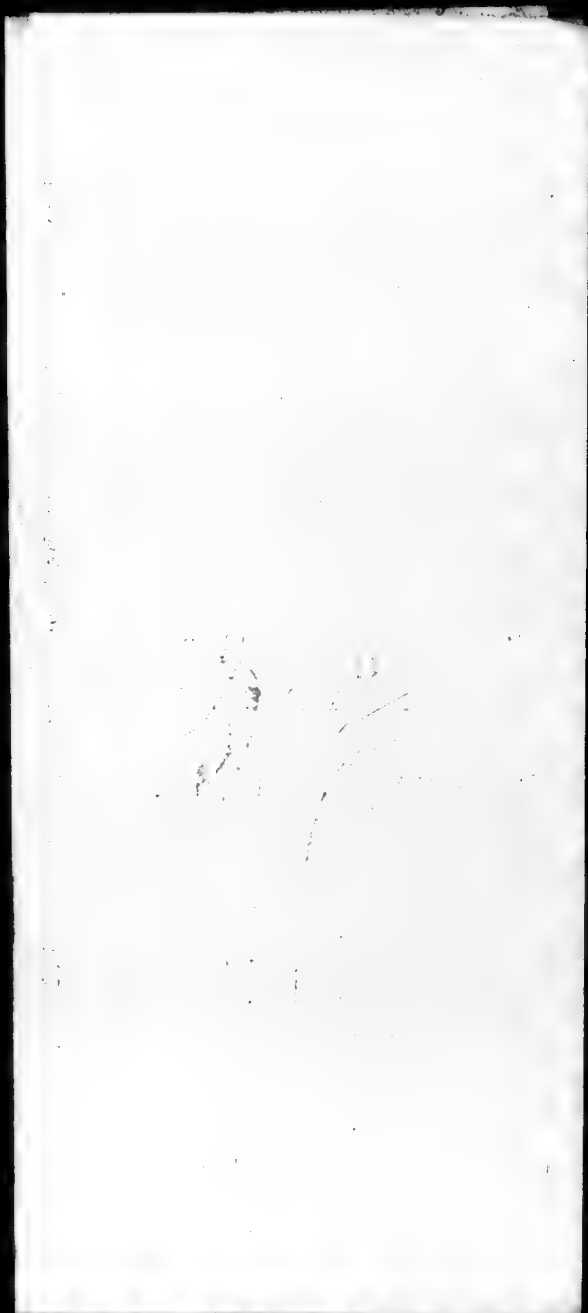
J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 18th day of February, 1901.

[Signature]

Commissioner.



"R"

Cherokee D 191.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Henry Owens for enrollment as a Cherokee citizen.

Appearances:

Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

HENRY OWENS, being first duly sworn, and being examined
testified as follows:

BY COMMISSION:

- Q What is your name? A Henry Owens.
Q How old are you? A 29.
Q What is your post-office address? A Webbers Falls.
Q Any additional testimony you want to introduce in your case? A
(Applicant wants interpreter for his witness.)

ARCH VANN, being first duly sworn, and being examined
testified as follows, through official interpreter, Simon R.
Walkingstick:

BY COMMISSION:

- Q What is his name? A Arch Vann.
Q What is his post-office? A Webbers Falls.
Q Is he acquainted with the applicant in this case, Henry Owens?
A Yes sir.
Q How long has he known him? A I have known him from a boy.
Q Did he know his father? A Yes sir, he was my uncle.
Q Is Owens was the witness' uncle? A Yes sir.
Q Did he know the applicant's mother's name? A Yes sir, I knew
her but I didn't know her English name, her Indian name was Ne-
ooo-ti-yah; she was a full-blood Cherokee.
Q Did he know where the applicant was living when the 1880 roll
was made? A Yes sir, I know he was living.
Q Where was he living at that time? A Why, he was out in Arkansas
somewhere; he had been taken by some white people over in Arkansas
about that time.
Q Was the applicant's mother living at that time? A No sir, she
had died before that.
Q Does he know how long the applicant stayed in Arkansas? A I
don't know it myself, only just from information; I was told that
he stayed there about six months.
Q Then where did he go? A He returned, came back to the Cherokee
Nation.
Q Does the witness know whether the applicant has been living
here continuously since that time? A Yes sir.
Q Ask him if there is any other statement he desires to make
relative to the enrollment of the applicant? A No, that's about
all; I didn't want him to lose his right.

CROSS EXAMINATION waived by MR.HASTINGS:

APPLICANT, HENRY OWENS, re-called and further examined,
testified as follows:

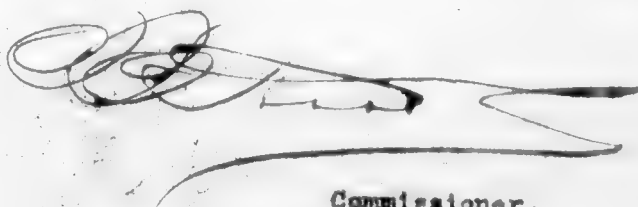
BY COMMISSION:

- Q Is there any other statement you want to make or any questions
you want to ask the witness? A No sir.
Q You submit the case to the Commission now for final consideration
do you? A Yes sir.
-

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Owens for enrollment as a Cherokee citizen.

On the 27th day of August, 1900, Henry Owens appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence his name was placed upon a "Doubtful" card.

Further evidence has been presented to the Commission and on the 20th day of February, 1902, applicant appeared before this Commission in response to notice. Further proceedings were had at that time and the case, by agreement, was submitted for final consideration.

It appears from the evidence in this case that the applicant Henry Owens was 29 years old at the time of his application. He was born in the Cherokee Nation and appears to be the son of Ice Owens and He-coo-ti-yah, a full blood Cherokee. Ice Owens is identified on the authenticated tribal roll of 1880, and a further examination of such roll shows that he appears thereon as a native Cherokee. This applicant is not identified upon the 1880 roll and it appears that he was left an orphan when about six years old and was taken to the State of Arkansas by one Sam McDaniels about 1879 or 1880. He remained there for a period not exceeding two years and returned to the Cherokee Nation where he has resided ever since. Applicant's sister Arlie, is identified upon the roll of 1880. Henry Owens is identified on the Strip payment roll of 1894 and no doubt is entertained from all the evidence in this case that he is a citizen of the Cherokee Nation by blood, and that his name was omitted from the 1880 roll probably because of the fact that he was in Arkansas at the time of its preparation.

-2-

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

D E C I S I O N .

It is the opinion of this Commission that under the law and the evidence in this case Henry Owens is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is therefore so ordered.


C. R. Buckinridge
Commissioners.

Dated at Muskogee, Indian Territory,

JUL 11 1902

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-191.

ALLISON P. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of Henry Owens for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-7.

CHEROKEE 20 191

Henry Owens,

Transferred to Cherokee 9526.

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OF
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